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CHAPTERS FROM MY AUTOBIOGRAPHY—XVIII*

BY MARK TWAIN.

PREFATORY NOTE.—Mr. Clemens began to write his autobiography many years ago, and he continues to add to it day by day. It was his original intention to permit no publication of his memoirs until after his death; but, after leaving "Pier No. 70," he concluded that a considerable portion might now suitably be given to the public. It is that portion, garnered from the quarter-million of words already written, which will appear in this REVIEW during the coming year. No part of the autobiography will be published in book form during the lifetime of the author.—EDITOR N. A. R.

[*Dictated December 21, 1906.*] I wish to insert here some pages of Susy's Biography of me in which the biographer does not scatter, according to her custom, but sticks pretty steadily to a single subject until she has fought it to a finish:

Feb. 27, '86.—Last summer while we were in Elmira an article came out in the "Christian Union" by name "What ought he to have done" treating of the government of children, or rather giving an account of a fathers battle with his little baby boy, by the mother of the child and put in the form of a question as to whether the father disciplined the child corectly or not, different people wrote their opinions of the fathers behavior, and told what they thought he should have done. Mamma had long known how to disciplin children, for in fact the bringing up of children had been one of her specialties for many years.

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She had a great many theories, but one of them was, that if a child was big enough to be nauty, it was big enough to be whipped and here we all agreed with her. I remember one morning when Dr.—— came up to the farm he had a long discussion with mamma, upon the following topic. Mamma gave *this* as illustrative of one important rule for punishing a child. She said we will suppose the boy has thrown a handkerchief onto the floor, I tell him to pick it up, he refuses. I tell him again, he refuses. Then I say you must either pick up the handkerchief or have a whipping. My theory is never to make a child have a whipping and pick up the handkerchief too. I say "If you do not pick it up, I must punish you," if he doesn't he gets the whipping, but *I* pick up the handkerchief, if he does he gets no punishment. I tell him to do a thing if he disobeys me he is punished for so doing, but not forced to obey me afterwards.

When Clara and I had been very nauty or were being very nauty, the nurse would go and call Mamma and she would appear suddenly and look at us (she had a way of looking at us when she was displeased as if she could see right through us) till we were ready to sink through the floor from embarasment, and total absence of knowing what to say. This look was usually followed with "Clara" or "Susy what do you mean by this? do you want to come to the bath-room with me?" Then followed the climax for Clara and I both new only too well what going to the bath-room meant.

But mamma's first and foremost object was to make the child understand that he is being punished for *his* sake, and because the mother so loves him that she cannot allow him to do wrong; also that it is as hard for her to punish him as for him to be punished and even harder. Mamma never allowed herself to punish us when she was angry with us she never struck us because she was enoyed at us and felt like striking us if we had been nauty and had enoyed her, so that she thought she felt or would show the least bit of temper toward us while punnishing us, she always postponed the punishment until *she* was no more chafed by our behavior. She never humored herself by striking or punishing us because or while she was the least bit enoyed with us.

Our very worst nautinesses were punished by being taken to the bath-room and being whipped by the paper cutter. But after the whipping was over, mamma did not allow us to leave her until we were perfectly happy, and perfectly understood why we had been whipped. I never remember having felt the least bit bitterly toward mamma for punishing me. I always felt I had deserved my punishment, and was much happier for having received it. For after mamma had punished us and shown her displeasure, she showed no signs of further displeasure, but acted as if we had not displeased her in any way.

Ordinary punishments answered very well for Susy. She was a thinker, and would reason out the purpose of them, apply the lesson, and achieve the reform required. But it was much less easy to devise punishments that would reform Clara. This was

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because she was a philosopher who was always turning her attention to finding something good and satisfactory and entertaining in everything that came her way; consequently it was sometimes pretty discouraging to the troubled mother to find that after all her pains and thought in inventing what she meant to be a severe and reform-compelling punishment, the child had entirely missed the severities through her native disposition to get interest and pleasure out of them as novelties. The mother, in her anxiety to find a penalty that would take sharp hold and do its work effectively, at last resorted, with a sore heart, and with a reproachful conscience, to that punishment which the incorrigible criminal in the penitentiary dreads above all the other punitive miseries which the warden inflicts upon him for his good—solitary confinement in the dark chamber. The grieved and worried mother shut Clara up in a very small clothes-closet and went away and left her there—for fifteen minutes—it was all that the mother-heart could endure. Then she came softly back and listened—listened for the sobs, but there weren't any; there were muffled and inarticulate sounds, but they could not be construed into sobs. The mother waited half an hour longer; by that time she was suffering so intensely with sorrow and compassion for the little prisoner that she was not able to wait any longer for the distressed sounds which she had counted upon to inform her when there had been punishment enough and the reform accomplished. She opened the closet to set the prisoner free and take her back into her loving favor and forgiveness, but the result was not the one expected. The captive had manufactured a fairy cavern out of the closet, and friendly fairies out of the clothes hanging from the hooks, and was having a most sinful and unrepentant good time, and requested permission to spend the rest of the day there!

From Susy's Biography of Me.

But Mamma's oppinions and ideas upon the subject of bringing up children has always been more or less of a joke in our family, perticularly since Papa's article in the "Christian Union," and I am sure Clara and I have related the history of our old family paper-cutter, our punishments and privations with rather more pride and triumph than any other sentiment, because of Mamma's way of rearing us.

When the article "What ought he to have done?" came out Mamma read it, and was very much interested in it. And when papa heard that she had read it he went to work and secretly wrote his opinion

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of what the father ought to have done. He told Aunt Susy, Clara and I, about it but mamma was not to see it or hear any thing about it till it came out. He gave it to Aunt Susy to read, and after Clara and I had gone up to get ready for bed he brought it up for us to read. He told what he thought the father ought to have done by telling what mamma would have done. The article was a beautiful tribute to mamma and every word in it true. But still in writing about mamma he partly forgot that the article was going to be published, I think, and expressed himself more fully than he would do the second time he wrote it; I think the article has done and will do a great deal of good, and I think it would have been perfect for the family and friend's enjoyment, but a little bit too private to have been published as it was. And Papa felt so too, because the very next day or a few days after, he went down to New York to see if he couldn't get it back before it was published but it was too late, and he had to return without it. When the Christian Union reached the farm and papa's article in it all ready and waiting to be read to mamma papa hadn't the courage to show it to her (for he knew she wouldn't like it at all) at first, and he didn't but he might have let it go and never let her see it, but finally he gave his consent to her seeing it, and told Clara and I we could take it to her, which we did, with tardiness, and we all stood around mamma while she read it, all wondering what she would say and think about it.

She was too much surprised, (and pleased privately, too) to say much at first, but as we all expected publicly, (or rather when she remembered that this article was to be read by every one that took the Christian Union) she was rather shocked and a little displeased.

Clara and I had great fun the night papa gave it to us to read and then hide, so mamma couldn't see it, for just as we were in the midst of reading it mamma appeared papa following anxiously and asked why we were not in bed? then a scuffle ensued for we told her it was a secret and tried to hide it; but she chased us wherever we went, till she thought it was time for us to go to bed, then she surendered and left us to tuck it under Clara's matress.

A little while after the article was published letters began to come in to papa crittisizing it, there were some very pleasant ones but a few very disagreable. One of these, the very worst, mamma got hold of and read, to papa's great regret, it was full of the most disagreble things, and so very enoying to papa that he for a time felt he must do something to show the author of it his great displeasure at being so insulted. But he finally decided not to, because he felt the man had some cause for feeling enoyed at, for papa had spoken of him, (he was the baby's father) rather slightingly in his Christian Union Article.

After all this, papa and mamma both wished I think they might never hear or be spoken to on the subject of the Christian Union article, and whenever any has spoken to me and told me "How much they did enjoy my father's article in the Christian Union" I almost laughed in

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their faces when I remembered what a great variety of oppinions had been expressed upon the subject of the Christian Union article of papa's.

The article was written in July or August and just the other day papa received quite a bright letter from a gentleman who has read the C. U. article and gave his opinion of it in these words.

It is missing. She probably put the letter between the leaves of the Biography and it got lost out. She threw away the hostile letters, but tried to keep the pleasantest one for her book; surely there has been no kindlier biographer than this one. Yet to a quite creditable degree she is loyal to the responsibilities of her position as historian—not eulogist—and honorably gives me a quiet prod now and then. But how many, many, many she has withheld that I deserved! I could prize them now; there would be no acid in her words, and it is loss to me that she did not set them all down. Oh, Susy, you sweet little biographer, you break my old heart with your gentle charities!

I think a great deal of her work. Her canvases are on their easels, and her brush flies about in a care-free and random way, delivering a dash here, a dash there and another yonder, and one might suppose that there would be no definite result; on the contrary I think that an intelligent reader of her little book must find that by the time he has finished it he has somehow accumulated a pretty clear and nicely shaded idea of the several members of this family—including Susy herself—and that the random dashes on the canvases have developed into portraits. I feel that my own portrait, with some of the defects fined down and others left out, is here; and I am sure that any who knew the mother will recognize her without difficulty, and will say that the lines are drawn with a just judgment and a sure hand. Little creature though Susy was, the penetration which was born in her finds its way to the surface more than once in these pages.

Before Susy began the Biography she let fall a remark now and then concerning my character which showed that she had it under observation. In the Record which we kept of the children's sayings there is an instance of this. She was twelve years old at the time. We had established a rule that each member of the family must bring a fact to breakfast—a fact drawn from a book or from any other source; any fact would answer. Susy's first contribution was in substance as follows. Two great exiles

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and former opponents in war met in Ephesus—Scipio and Hannibal. Scipio asked Hannibal to name the greatest general the world had produced.

"Alexander"—and he explained why.

"And the next greatest?"

"Pyrrhus"—and he explained why.

"But where do you place yourself, then?"

"If I had conquered you I would place myself before the others."

Susy's grave comment was—

"That *attracted* me, it was just like papa—he is so frank about his books."

So frank in admiring them, she meant.

[*Thursday, March 28, 1907.*] Some months ago I commented upon a chapter of Susy's Biography wherein she very elaborately discussed an article about the training and disciplining of children, which I had published in the "Christian Union" (this was twenty-one years ago), an article which was full of worshipful praises of Mrs. Clemens as a mother, and which little Clara, and Susy, and I had been hiding from this lovely and admirable mother because we knew she would disapprove of public and printed praises of herself. At the time that I was dictating these comments, several months ago, I was trying to call back to my memory some of the details of that article, but I was not able to do it, and I wished I had a copy of the article so that I could see what there was about it which gave it such large interest for Susy.

Yesterday afternoon I elected to walk home from the luncheon at the St. Regis, which is in 55th Street and Fifth Avenue, for it was a fine spring day and I hadn't had a walk for a year or two, and felt the need of exercise. As I walked along down Fifth Avenue the desire to see that "Christian Union" article came into my head again. I had just reached the corner of 42nd Street then, and there was the usual jam of wagons, carriages, and automobiles there. I stopped to let it thin out before trying to cross the street, but a stranger, who didn't require as much room as I do, came racing by and darted into a crack among the vehicles and made the crossing. But on his way past me he thrust a couple of ancient newspaper clippings into my hand, and said,

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"There, you don't know me, but I have saved them in my scrap-book for twenty years, and it occurred to me this morning that perhaps you would like to see them, so I was carrying them down-town to mail them, I not expecting to run across you in this accidental way, of course; but I will give them into your own hands now. Good-by!"—and he disappeared among the wagons.

Those scraps which he had put into my hand were ancient newspaper copies of that "Christian Union" article! It is a handsome instance of mental telegraphy—or if it isn't that, it is a handsome case of coincidence.

From the Biography.

March 14th, '86.—Mr. Laurence Barrette and Mr. and Mrs. Hutton were here a little while ago, and we had a very interesting visit from them. Papa said Mr. Barette never had acted so well before when he had seen him, as he did the first night he was staying with us. And Mrs.—— said she never had seen an actor on the stage, whom she more wanted to speak with.

Papa has been very much interested of late, in the "Mind Cure" theory. And in fact so have we all. A young lady in town has worked wonders, by using the "Mind Cure" upon people; she is constantly busy now curing peoples deseases in this way—and curing her own even, which to me seems the most remarkable of all.

A little while past, papa was delighted with the knowledge of what he thought the best way of curing a cold, which was by starving it. This starving did work beautifully, and freed him from a great many severe colds. Now he says it wasn't the starving that helped his colds, but the trust in the starving, the mind cure connected with the starving.

I shouldn't wonder if we finally became firm believers in Mind Cure. The next time papa has a cold, I haven't a doubt, he will send for Miss H—— the young lady who is doctoring in the "Mind Cure" theory, to cure him of it.

Mamma was over at Mrs. George Warners to lunch the other day, and Miss H—— was there too. Mamma asked if anything as natural as near sightedness could be cured she said oh yes just as well as other deseases.

When mamma came home, she took me into her room, and told me that perhaps my near-sightedness could be cured by the "Mind Cure" and that she was going to have me try the treatment any way, there could be no harm in it, and there might be great good. If her plan succeeds there certainly will be a great deal in "Mind Cure" to my oppinion, for I am *very* near sighted and so is mamma, and I never expected there could be any more cure for it than for blindness, but now I dont know but what theres a cure for *that*.

It was a disappointment; her near-sightedness remained with

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her to the end. She was born with it, no doubt; yet, strangely enough, she must have been four years old, and possibly five, before we knew of its existence. It is not easy to understand how that could have happened. I discovered the defect by accident. I was half-way up the hall stairs one day at home, and was leading her by the hand, when I glanced back through the open door of the dining-room and saw what I thought she would recognize as a pretty picture. It was "Stray Kit," the slender, the graceful, the sociable, the beautiful, the incomparable, the cat of cats, the tortoise-shell, curled up as round as a wheel and sound asleep on the fire-red cover of the dining-table, with a brilliant stream of sunlight falling across her. I exclaimed about it, but Susy said she could see nothing there, neither cat nor table-cloth. The distance was so slight—not more than twenty feet, perhaps—that if it had been any other child I should not have credited the statement.

From the Biography.

March 14th, '86.—Clara sprained her ankle, a little while ago, by running into a tree, when coasting, and while she was unable to walk with it she played solotaire with cards a great deal. While Clara was sick and papa saw her play solotaire so much, he got very much interested in the game, and finally began to play it himself a little, then Jean took it up, and at last *mamma*, even played it ocasionally; Jean's and papa's love for it rapidly increased, and now Jean brings the cards every night to the table and papa and mamma help her play, and before dinner is at an end, papa has gotten a separate pack of cards, and is playing alone, with great interest. Mamma and Clara next are made subject to the contagious solatair, and there are four solotaireans at the table; while you hear nothing but "Fill up the place" etc. It is dreadful! after supper Clara goes into the library, and gets a little red mahogany table, and placing it under the gas fixture seats herself and begins to play again, then papa follows with another table of the same discription, and they play solatair till bed-time.

We have just had our Prince and Pauper pictures taken; two groups and some little single ones. The groups (the Interview and Lady Jane Grey scene) were pretty good, the lady Jane scene was perfect, just as pretty as it could be, the Interview was not so good; and two of the little single pictures were very good indeed, but one was very bad. Yet on the whole we think they were a success.

Papa has done a great deal in his life I think, that is good, and very remarkable, but I think if he had had the advantages with which he could have developed the gifts which he has made no use of in writing his books, or in any other way for other peoples pleasure and benefit

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outside of his own family and intimate friends, he could have done *more* than he has and a great deal more even. He is known to the public as a humorist, but he has much more in him that is earnest than that is humorous. He has a keen sense of the ludicrous, notices funny stories and incidents knows how to tell them, to improve upon them, and does not forget them. He has been through a great many of the funny adventures related in "Tom Sayer" and in "Huckleberry Finn," *himself* and he lived among just such boys, and in just such villages all the days of his early life. His "Prince and Pauper is his most orriginal, and best production; it shows the most of any of his books what kind of pictures are in his mind, usually. Not that the pictures of England in the 16th Century and the adventures of a little prince and pauper are the kind of things he mainly thinks about; but that *that* book, and those pictures represent the train of thought and imagination he would be likely to be thinking of to-day, to-morrow, or next day, more nearly than those given in "Tom Sawyer or "Huckleberry Finn."*

Papa can make exceedingly bright jokes, and he enjoys funny things, and when he is with people he jokes and laughs a great deal, but still he is more interested in earnest books and earnest subjects to talk upon, than in humorous ones.†

When we are all alone at home, nine times out of ten, he talks about some very earnest subjects, (with an ocasional joke thrown in) and he a good deal more often talks upon such subjects than upon the other kind.

He is as much of a Pholosopher as anything I think. I think he could have done a great deal in this direction if he had studied while young, for he seems to enjoy reasoning out things, no matter what; in a great many such directions he has greater ability than in the gifts which have made him famous.

Thus at fourteen she had made up her mind about me, and in no timorous or uncertain terms had set down her reasons for her opinion. Fifteen years were to pass before any other critic—except Mr. Howells, I think—was to reutter that daring opinion and print it. Right or wrong, it was a brave position for that little analyzer to take. She never withdrew it afterward, nor modified it. She has spoken of herself as lacking physical courage, and has evinced her admiration of Clara's; but she had moral courage, which is the rarest of human qualities, and she kept it functionable by exercising it. I think that in questions of morals

* It is so yet.—M. T.

† She has said it well and correctly. Humor is a subject which has never had much interest for me. This is why I have never examined it, nor written about it nor used it as a topic for a speech. A hundred times it has been offered me as a topic in these past forty years, but in no case has it attracted me.—M. T.

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and politics she was usually on my side; but when she was not she had her reasons and maintained her ground. Two years after she passed out of my life I wrote a Philosophy. Of the three persons who have seen the manuscript only one understood it, and all three condemned it. If she could have read it, she also would have condemned it, possibly,—probably, in fact—but she would have understood it. It would have had no difficulties for her on that score; also she would have found a tireless pleasure in analyzing and discussing its problems.

MARK TWAIN.

(To be Continued.)

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THE "ROCK" OF THE CHURCH.

BY THE RIGHT REVEREND WM. CROSWELL DOANE, BISHOP OF ALBANY.

JUST why Professor Briggs lays so stupendous a foundation in his article "On the Real and the Ideal of the Papacy," it is difficult to say; for what he builds on it is a house of cards. His own admissions in the latter part of the paper so absolutely destroy the value of his statements in the introduction as to the Petrine succession, that the opening assertion is quite emptied of all value. "It seems not essential," he says, "that the successor of St. Peter should be Bishop of Rome"; and, again, "There is no sufficient evidence that he ever was Bishop of Rome"—which is a very mild statement of the fact.

And yet, he says, "Christianity in the world is organized in one church under the Apostolic Ministry, culminating in the Universal Bishop, the successor of St. Peter." How and where is he to be found? "The Pope, as the successor of St. Peter, is the executive head of the Church"; but why is the Bishop of Rome the successor to St. Peter, if St. Peter never was Bishop of Rome? Really, the Primacy of the Bishop of Rome, in the early days of the Church, was due, not to any theory of Petrine descent, but to the commanding position of Rome in the world at that time.

Professor Briggs says that "the Council of Jerusalem decided for St. Peter"; but he did not seem to be recognized as Primate, because St. James presided and delivered the decree in these words, "Wherefore *my* sentence is." And the quoted statement of Irenæus that, "every church should agree with the church at Rome," describes that church, not as founded *on* St. Peter, but as founded "*by* the two most glorious Apostles, St. Peter and St. Paul."

One is tempted to deal critically with the closing dream of this

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paper, except that really its admissions demonstrate its dreaminess. "The Papacy has absorbed into itself the authority of Councils and of the peoples also." "There is no obstacle to the movement for some form of Ecclesiastical Council except the consent of the Papacy." That is to say, this is actually impossible.

My chief purpose, however, in this paper is to correct the statement that "all attempts to explain the 'Rock' in any other way than as referring to St. Peter, have ignominiously failed."

As I read this statement, my mind and my eye went back to a row of books ("The Library of the Fathers"), published in 1842, in my father's library (now mine), which, as a boy and a student of theology, I used to study. I went to it, and took down from the shelf the first volume of Tertullian, and turned quickly to the well-remembered note which I always understood was by Dr. Pusey, and which certainly bears the mark of his wonderful mastery of learning, and I merely condense that note here.

The heading, running over the six pages of the note "Q" on page 455, is: "Various interpretations do not exclude each other, but present different portions of the same truth. The same Fathers explain the Rock, of Christ chiefly; then of St. Peter; the Faith which he confessed; the Apostles: The Rock, the deposit of faith, committed to and confessed by the Church Catholic." In summing up the patristic interpretations, the writer says: "Tertullian interprets the Rock of St. Peter's person." Cyprian also explains it of St. Peter personally, "as a type of unity, as representing the Church and speaking in her name; but the authority he speaks of is derived through him to all Bishops; so that the Church is placed on the Bishops." Gregory Nazianzen and Epiphanius interpret it of him individually, "yet with reference to his faith"; so that Epiphanius says, "that it was built upon him and upon the faith which he confessed, because he confessed Christ the living God, and was told, 'upon the Rock of this solid faith I will build my Church.'" St. Augustine at first explained the Rock of St. Peter personally, and then very frequently of "Christ whom Simon confessed as the whole Church since confesses." "On myself, the Son of the living God, will I build my Church; on Me will I build thee, not thee on Me."

The writer of the note refers without quotation to Theodoret, Chrysostom, Gregory the great, Gregory of Nyssa and six other

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less-known writers, as interpreting the Rock of "the faith which St. Peter confessed." And then he adds: "These expositions, however, in no way exclude each other. The words were pronounced to St. Peter by virtue of the true faith in Christ which he had just confessed. He was a rock by reason of his union with the Rock. That faith in Christ as the Son of God was his stability, and that of the Church afterward, and of those who at any time were pillars in the Church." Origen, who says, "that on St. Peter, as on the earth, the Church was founded," argues at length that "every disciple of Christ, of Whom they drank, who were of the spiritual Rock which followed them, is a rock, all imitators of Christ becoming a rock as He is a Rock." Hilary writes: "On this Rock of the confession of Christ as the Son of God is the Church built. This faith is the foundation of the Church." And again: "This is the one immovable foundation, this is the one blessed rock of the faith confessed by the mouth of Peter." Ambrose, who in one place applies the term simply to St. Peter, in another place explains it "of the Flesh which redeemed the Heaven and the whole world." "Christ is the Rock. To His disciple also He denied not the grace of this name that he also should be Peter, because, from the '*petra,*' he hath the solidity of steadfastness, the firmness of faith." (It is worth while here to call attention to the fact that through all these quotations the distinction is made between *Petra* the *Rock,* and Petros, the name given to Simon: the first, *Petra,* being always spelled with a capital R, and the second, when it is translated Rock, being spelled with a small r.)

Again, St. Ambrose says: "Faith, then, is the foundation of the Church; for not of the human person of Peter, but of the faith, is it said that the gates of hell shall not prevail against it." So St. Augustine combines these same meanings. "This name, that he should be called Peter, was given him by the Lord, and that in a figure, to signify the Church. For since Christ is the Rock, Peter is the Christian people. For *Petra* is the chief name. Peter then is called from *petra,* not *petra* from Peter, as not Christ from Christian, but Christian from Christ. 'Thou, then,' He saith, 'art Peter, and on This Rock which thou hast confessed, on This Rock which thou hast known, saying, "Thou art The Christ, The Son of The Living God," I will build My Church.'" Jerome applies it generally, yet regards Christ as

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really the Rock. "This House is built on the foundation of the Apostles and Prophets, who, themselves also, are mountains as imitators of Christ." "The Rock is Christ, Who gave to His *Apostles* to be called rocks." Cyril, of Alexandria speaks generally of the Church being built on St. Peter, but explains himself: "By the Rock, in reference to which He gives the name, He means, I deem, nothing else than the unshaken and most settled faith of the disciple, on which Faith the Church of Christ is founded and fixed." "He said to the blessed Peter, 'Thou art Peter, and on this rock I will build My Church,' meaning, I deem, by 'rock' immoveableness in the Faith of His disciple." Leo, Bishop of Rome, speaking of Peter as the chief of all the Apostles, speaks of "the Rock of the Catholic faith, whence was derived the name which the blessed Apostle Peter received from the Lord." In one of his sermons he paraphrases our Lord's words: "I say unto thee, as My Father has manifested to thee My Divinity, so do I also make known to thee thy eminence, 'that thou art Peter,' *i. e.*, whereas I am the unassailable Rock, I the Cornerstone Who made both one, I the 'Foundation other than which can no man lay,' yet thou also art a rock, because thou art strengthened by My might, so that what of right belongs alone to Me, by My communication should be shared by thee. On this strength, I will build an everlasting temple, and the height of My Church, which shall reach to heaven, shall rise upon the firmness of this Faith."

And the writer of this note concludes with these words: "The Rock, then, according to St. Leo, was the revealed Faith in the Rock, the Ever-blessed Son of God, which whosoever confessed partook of the solidity of that Rock, which St. Peter confessed; which faith St. Peter first, in the name of the other Apostles, confessed, and for them received the blessing, himself possessing it first in order and dignity; which Faith also he preached, and delivered it, as the title-deeds of the Church, especially to the Churches over which he himself presided, to Antioch as to Rome, yet not in any other sense to Rome than to Antioch, nor as though new doctrine might be added, or as though doctrine, not virtually contained in the Apostles' Creed, formed a part of it."

Surely there is proof enough here that not "*all* attempts to explain the Rock in any other way than as referring to St. Peter have ignominiously failed." WILLIAM CROSWELL DOANE.

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A CRITICAL ANALYSIS OF SOCIALISM.—III.

BY W. H. MALLOCK.

I HAVE shown abundantly in the two preceding articles that socialism, as a distinctive theory, issuing in a distinctive programme, or even as a theory embodying any definite ideas of any kind, is essentially a theory which appeals to the many, as distinct from the few; and, farther, that it owes whatever success has been achieved by it to its success in the popularization of one fundamental doctrine—that the many contain in themselves all the active forces of society; whilst the few, the employers, the present possessors of capital, are merely an encumbrance, or a sort of parasitic growth, and may, since they thus perform no productive functions, be completely dispossessed by the many, if the many will only realize that they are supreme, not alone as a social force, but as a legislative force also.

I have illustrated this fact by reference to actual history; and have shown how this theory, with regard to the power of the many, was first made the nucleus of a definite and coherent party by the genius of Karl Marx, who invested it with a quasi-scientific form, and managed to impose the doctrine that all wealth is due to labor on multitudes of the laboring classes as a strict economic truth.

Now, this feat of reasoning has two practical merits. It reduces the vague idea of the potential supremacy of the many to a proposition so simple and definite that the meanest intelligence can comprehend it. It also reduces it to a proposition so simple and definite that its truth or falsehood can be submitted to the most rigorous tests; and I have shown that labor, or the manual effort of the individual, as directed solely by the mind of the individual himself, is the sole productive agency in primitive societies only, whose wealth consists of no more than the bare

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necessaries of existence; and that industrial effort becomes more productive, as a whole, only in proportion as another species of effort develops itself—that is to say, the mental ability of the few, by which the manual efforts of the many are directed, organized and coordinated. I also showed how this process of minute and all-embracing direction is accomplished by means of capital, in what is functionally its fundamental form—that is to say, by wage-capital and the modern system of wages, capital being thus the vehicle of directive ability, and not, as Marx conceived of it, a mere functionless and accidental monopoly. I showed, moreover, that so far are the profits of capital from being, as Marx contended, abstractions from the products of individual labor, that the wages of modern labor are largely abstractions from the products of directive ability functioning by means of capital.

I showed all this, and I showed something else besides. I showed, by quotations from their writings, that the more thoughtful socialists of to-day are beginning to admit the truth of every one of the above contentions. In the first place, whenever they address themselves to any cultivated and critical audience—as has been illustrated by a variety of replies which, in various parts of America, they have made, with curious unanimity, to my own late lectures on socialism, they vie with each other in repudiating the crude reasoning of Marx, declaring that they are quite aware, without instruction from anybody else, that labor alone is powerless to produce that wealth by the amplitude of which the modern world is distinguished, and that the direction of labor by the keenest and most energetic minds is no less essential to the result than is mere labor itself. They now admit that the few, as represented by capital, are, instead of being the mere appropriators of wealth, the producers of a very large portion of it. Further, they are beginning to recognize that the essence of the capitalistic wage system is not the underpayment of labor, but the direction of labor by ability; and some of the leading spirits amongst them, such, for instance, as Mr. Sidney Webb, exhibit their recognition of this last fact most clearly by their efforts to make good the earlier promises of their party, and devise a means by which the wage system may be abolished, and give place to a substitute. The substitute which they offer is, as I pointed out, neither more nor less than a system of state coercion, under which

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every citizen would be remunerated irrespectively of the labor performed by him; and the requisite conformity to the industrial orders issued to him would be secured, as in the case of slaves, by the application of external force—a system which, as the history of slavery shows us, is, if not so efficient as the wage system, at all events not unworkable, and theoretically might take the place of it, if the laborers really like it better. Indeed, so far as our enquiry has yet proceeded, the system sketched out by the intellectual socialists of to-day differs, with the exception of the proposed reintroduction of slavery, from the existing capitalistic system in one particular only. It retains the employing class—the men whom Mr. Webb aptly describes as "the natural monopolists of special business ability," and requires of them that they shall exercise all their highest powers in the direction of labor, precisely as they do now; but, whilst thus making them still the technical masters of labor, it would reduce them, in their turn, to the position of servants of the state, so that the products of their ability would be taken by the state, not by themselves, and would thus be available for distribution amongst the general mass of the community.

Now, such an organization of society might, for anything that we have yet seen to the contrary, be no less workable than society as it exists to-day. But we shall find, having admitted this, that a further question arises, which it still remains for us to consider. That the state should supply every laborer with board, lodging and pocket-money, without any regard to the specific labor performed by him, and then secure the requisite labor and obedience by force, by punishment, or by the fear of them, is a plan which experience shows to be, within limits, effective. The pyramids were constructed by precisely such a method as this. But to secure and to control the requisite manual labor is, on the admission of the more thoughtful socialists themselves, only half of the task which would lie before the socialistic state. The other half of the task, which they are now beginning to recognize as one even more important, is to secure the services of those exceptional men by whom all this labor is to be directed in the most efficient way—the men of science, the chemists, the mathematicians, the men of constructive imagination, the men of executive talent, on whose constant activity the productiveness of ordinary labor will depend. By what means will the socialistic state be able to com-

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mand the services of men like these, and insure the exercise of their powers at a constant maximum of intensity?

Here we have to deal with a problem which, for one reason, at all events, if for no other, is entirely different from that of the control of ordinary labor. To secure from men the exertion of their ordinary manual faculties by positive coercion, instead of by the inducement of wages, is, let me repeat, possible; but it is possible for one reason only. In respect of the faculties embodied in ordinary labor, any one man by looking at another can tell how far he is possessed of them—whether he can trundle a wheelbarrow, carry a hod of bricks, hit a nail on the head, and so forth; and—what is still more important—every director of labor knows exactly the individual task which he wishes each laborer to perform. But in respect of the faculties—not ordinary, but exceptional—which are distinctive of the men by whom alone labor can be successfully directed, both these conditions are wanting. It is impossible to tell that any man of exceptional ability possesses any exceptional faculties for directing labor at all, unless he himself chooses to show them; and, indeed, until circumstances supply him with some motive for showing them, he will probably be hardly aware that he possesses such faculties himself. Moreover, even if he gives the world some reason to suspect their existence, the world at large will not know what he can do with them, and will consequently be unable to impose on him any definite task. Any Scotch farmer, by looking at Burns, could have told that he had in him the makings of a sufficiently good ploughman, and could have forced him, under certain circumstances, to do so much ploughing daily. Any one could have told that Shakespeare was capable of holding horses at the theatre door, and could have compelled him to hold them as the condition of getting his daily bread; but no one could have compelled Burns or Shakespeare to write "Auld Lang Syne" or "Hamlet." A press-gang could have forced Columbus to labor as a common seaman, but not the whole population of Europe could have forced him to discover a new world; for the mass of his contemporaries, until his enterprise proved successful, obstinately refused to believe that there was any new world to discover.

The men, therefore, by whose ability alone labor is successfully directed, and on the exercise of whose ability the wealth of the modern world depends, would stand, with regard to the socialistic

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state, in a position fundamentally different from that of the ordinary laborer. The exercise of their distinctive power, unlike those of the laborer, could never be secured by coercion, because neither the state nor the nation could know that these powers existed except in so far as the possessors of them chose to reveal the secret. They could not be made to reveal it. They could only be induced to do so; and they could only be induced to do so by a society which was so constituted as to offer for an exceptional performance some exceptional reward, just as a reward is offered for evidence against some unknown murderer. The reward which is offered to them by society as at present constituted is the possession of exceptional wealth, proportionate to the amount produced by them; but it is precisely this species of reward that the intellectual socialists of to-day aim at abolishing no less completely than did their predecessors of the school of Marx, though they have learned to explain its origin and present existence on totally different principles, and to recognize its abolition as a totally different problem.

Now, not only have the more intellectual socialists come, as we have seen already, to realize that the productiveness of industry in the modern world depends, both for its progress and its sustentation, on the ability of the directing class, and that its direction must be accomplished either by the wage system, or by state coercion, but they have also come to realize that the question we have been just considering—namely, the question of how, if the pecuniary motive is withdrawn, the ability of the exceptional few can be induced either to reveal or exert itself—is the question on which the entire practicability of the socialistic scheme depends. Nor can it be said that, having realized this fact, the more recent socialistic thinkers have shown any inclination to shirk it. They have, on the contrary, during the past fifteen years, been devoting themselves with increasing frequency to the elaboration of a satisfactory answer to it. Mr. Webb and his English allies have in this way been especially active; and their attempts to discover a motive which shall stimulate the able man, other than that now in operation, and yet equally certain and effective, throws more light than anything since the original folly of Marx on the kind of intellectual soil in which socialism, as a theory, germinates.

It may be looked on as evidence of the methodical and quasi-

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scientific accuracy with which modern socialists have set themselves to discuss the required motive, that the thought of all of them has moved along exactly the same lines, and that what all of them fix upon as a substitute for the desire of pecuniary gain is one or other, or all, of a few motives actually in operation, and notoriously effective in certain spheres of activity; the socialistic argument being that nothing can be more easy than to extend their operation to the sphere of ordinary production also. These motives practically resolve themselves into four, which have been classified as follows by Mr. Webb, or one of his coadjutors: "The mere pleasure of excelling"; "the joy in creative work"; the satisfaction which working for others brings to "the instincts of benevolence"; and, lastly, the desire for approval, or the homage which is called "honor." Any one of these, according to our socialistic philosophers, would stimulate industrial ability in quite as efficient a way, if the prospect of all pecuniary gain were withdrawn, as that in which the desire of such gain stimulates it under the existing system.

Now, that the motives here in question are motives of extraordinary power, all history shows us. The most impressive things accomplished by human nature have been due to them. But let us consider what these things are. They are not only impressive, but thus far they have been strictly limited in number. We shall find that they are referable to one or other of the following kinds of activity—those of the artist, of the speculative thinker, of the religious and philanthropic enthusiast, and, lastly, that of the soldier. This list, if understood in its full sense, is exhaustive. Such being the case, then, the argument of the socialists is as follows: that, because a Fra Angelico will paint a Christ or a Virgin; because a Kant will immolate all his years to philosophy; because a monk and a sister of mercy will devote themselves to the victims of a pestilence; because a soldier in action will eagerly face death—all without any thought of exceptional pecuniary reward, the directors of industrial labor, if only such rewards are made impossible for them, will at once become amenable to the motives of the soldier, the artist, the philosopher, the inspired philanthropist and the saint. This is the assertion of the socialists, when reduced to a precise form, and what we have to do is to consider whether this assertion is true. Does human nature, as experience, as psychology, and as physiology reveal it to us, give

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grounds, in fact, for taking such an assertion seriously? Any one who has studied human conduct historically, who has observed it in the life around him, and noted the diversities of temperament which go with diversities of capacity, will dismiss such an idea, on reflection, as at once groundless and ridiculous.

Let us—to go into details—take the case of the artist. What reason is there to suppose that the impassioned emotion which stimulates an adoring monk to lavish all his genius on an altar-piece will stimulate another man to devise and to organize the production of some new kind of liquid enamel for the decoration of cheap furniture? Yet again, let us consider the desire for speculative truth, as actually exhibited in the lives of the great philosophic thinkers. These men—men of the type of Kant and Hegel—have been proverbially, and often ludicrously, indifferent to all material details. Who can suppose that the disinterested passion for truth which had the effect of making such men forget their dinners, will stimulate others to devote themselves to the improvement of stoves and saucepans? Yet again, let us consider the area of the industrial influence of the motives originating in religious fervor and benevolence. The most important illustration of this is to be found in the monastic orders. The motives in question, for example, prompted St. Francis and his followers to a life of effort whose object not only was not the acquirement of exceptional wealth, but was the abnegation of it. But, even in the days when Christian piety was at its highest, those who were capable of practical response to motives of this lofty kind formed but a fraction of the general population of Christendom; and even amongst them these motives constantly failed to operate, and desire for personal gain insisted on reasserting itself. One might as well argue that, because the monastic orders renounced matrimony, the rest of mankind may be induced to renounce it also, as argue that, because some exceptional men have been united by religious enthusiasm to do certain kinds of arduous and exceptional work, other men, with totally different temperaments, are likely to be stimulated by the same or similar motives to do other exceptional work of an entirely different character—that is to say, to produce exceptional wealth, and not to expect a reward of the same order as their products.

But the quality of the reasoning of the socialists, in this connection, is best illustrated by their treatment of the fact on which

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they themselves lay the greatest stress. This is the conduct of the soldier, who is, as they say, not only willing, but eager, to perform duties of the most painful and dangerous kind, without any thought of receiving for it any higher pay than his fellows; from which fact, they argue, as we have seen already, that conduct of a similar kind may be naturalized in the world of industry. And a similar moral has been drawn from the soldier's case, not by socialists only, but by other thinkers also—thinkers of very high distinction. Thus Ruskin says that his whole scheme of political economy is based on the moral assimilation of industrial action to military. "Soldiers of the ploughshare," he exclaims, "as well as soldiers of the sword! All my political economy is comprehended in that phrase." So, too, Mr. Frederic Harrison, the English prophet of positivism, has declared that the readiness with which the soldier will die in battle is a type of a readiness latent in men generally to spend themselves and be spent in the peaceful service of humanity. Again, in the same sense, another writer observes: "The soldier's subsistence is certain. It does not depend on his exertions. At once he becomes susceptible to appeals to his patriotism, and he will value a bit of bronze, which is the reward of valor, far more than a hundred times its weight in gold"—a passage to which one of Mr. Webb's collaborators refers with special delight, exclaiming triumphantly, "Let those notice this last fact who fancy we must wait till men are angels before socialism is practical."

Now, to all these arguments drawn from the facts of military activity there is one answer to be made. They are all of them founded on a failure to perceive that military activity is, in many respects, a thing apart, and depends on psychological and physiological conditions which have no analogies in the domain of ordinary economic effort. That such is the case can be very easily seen by following out the train of reasoning suggested by Mr. Frederic Harrison. Mr. Harrison sees that, in ordinary life, a man will not deliberately run the risk of being killed or mutilated, except for the sake of some object the achievement of which is profoundly desired by him; and Mr. Harrison and the other writers just quoted assume that such must be the case on the field of battle also—in other words, that the willingness of the soldier to be wounded, or killed, if need be, results from and is a measure of his devotion to the country on whose behalf he fights. And, in

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certain cases, this inference is, no doubt, justified; but that it does not explain the nature of the soldier's behavior generally, and that there must be behind this some deeper and more general cause, is shown by the fact that some of the bravest and most reckless soldiers known to history have been mercenaries who would fight as readily for one country as for another. And this deeper and more general cause, when we look for it, is sufficiently obvious. It consists of the fact that, owing to the millenniums of struggle which have made men what they are to-day, the instinct of fighting is inherent in the dominant races, and will always prompt numbers to do, for the smallest reward or for none, what they could hardly, in its absence, be induced to do for the greatest. This instinct, no doubt, is more controlled than formerly, and is not so frequently roused; but it is still there. It is ready to quicken at the mere sound of military music, and the sight of regiments marching stirs the most apathetic crowd. High-spirited boys, again, for the mere pleasure of fighting, will run the risk of having their noses broken, whilst they will wince at getting up in the cold for the sake of learning their lessons, and would certainly rebel against being set to work as wage-earners at a task which involved so much as a daily pricking of their fingers.

Here we have the reason, embodied in the very organism of the human being, why military activity is something essentially distinct from industrial, and why any inference drawn from the one to the other is valueless. This fact, which is of primary scientific importance, the philosophy of the socialists altogether overlooks; and I have called special attention to the conduct of men as fighters, partly because the socialists themselves attach such extreme importance to it, and partly because their treatment of it affords us an exceptionally striking illustration of the utterly unscientific manner in which they are accustomed to reason about matters with regard to which they profess themselves to be the pioneers of accurate science. One of the principal grounds on which they attack what they call the economics of capitalism is that it deals exclusively with the actions of the economic man, or the man whose one motive is the personal appropriation of wealth. Such a man is, they say, an abstraction. He does not exist in reality. The actual man is a complex being, whose selfish and acquisitive motives are traversed by many others; and if economics, they

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continue, is to have any scientific value, it must deal with man as a whole, in all his living complexity. This contention has an element of truth in it, as a criticism of the orthodox economists; but when the socialists attempt to act in accordance with their own professed principles and deal with human nature as a whole, instead of only one of its elements, they do nothing but travesty the class of error which they set out with denouncing. The one-motived man who cares only for personal gain is, no doubt, an abstraction, which has no actual counterpart. Still, the motive ascribed to him is one which has a real existence; it has been defined with accuracy, and by studying its effects in isolation we reach many true conclusions. But the other motives with which the socialists declare that we must supplement this are treated by them in a manner so indefinite, so crude, so childish, so utterly deficient in the mere rudiments of scientific analysis, that they do not correspond to anything. Instead of forming any true addition to the data of economic science, they are like images belonging to the dream of a maudlin schoolgirl, which have only the effect of obscuring, not of completing, the facts of human nature to which the orthodox economists confined themselves, and which, though incomplete, are, so far as they go, actual. Now, however, let us, without getting out of touch with the socialists, return to firmer ground; and, having seen the futility of their efforts to indicate any motive which shall stimulate the higher productive efficiencies, other than that supplied under the existing system by the prospect of possessing wealth in proportion to the amount produced, let us consider this motive itself, as history and experience reveal it to us.

And here, in the presence of facts which no one seeks to deny, we shall find that the socialists themselves are amongst our most pertinent witnesses, affording in what they assert a solitary and signal exception to that looseness of thought and observation which is otherwise, as I said, characteristic of them. The motive now in question on the part of the exceptional wealth-producer, the director of labor, the man of business ability, which the socialists propose to supersede, but which is at present in possession of the field, commonly receives from these theorists the vituperative name of "greed." What they mean by "greed" is simply the desire of the producer to retain a share of wealth for himself, proportionate to the amount produced by him. And what have the

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socialists got to tell us about greed, when they turn from their plans for superseding it in the socialistic future to consider its operations in the actual past and present? They tell us a great deal. For what is and always has been their stock moral indictment against the typical men of ability, the capitalistic directors of labor, the introducers of new inventions, the amplifiers of the world's wealth? Their chief indictment against such men has been this — that, instead of working solely for the pleasure of benefiting their fellows, their motive has been greed, and personal greed alone. Its influence, they say, is as old as civilization itself, and was as operative in Tyre and Sidon as it is in London and Pittsburg. In other words, they declare that, so far as history and observation teach us anything, the desire of personal gain is just as inseparable from the temperament which goes with the power of producing exceptional wealth as "joy in creation" is from the highest art of the painter, or the love of some woman is from the lover's efforts to win her.

We thus see that those thinkers who, when they are dealing with an imaginary future, are being driven to stake all their hopes on the possibility of a complete elimination of a certain motive from a certain special class of persons, are the very men who are most vehement in declaring that in this special class of persons the motive in question is so inseparable a part of their character that it has never as yet, in any age or country, showed signs of appreciable modification. Nor does the matter end here; for the curious contradiction in which socialistic thought thus lands itself—between its assertion, on the one hand, that greed is inveterate in the temperament of the great wealth-producer, and its contention, on the other hand, that this inveterate motive can with the greatest ease be eliminated and replaced by others—is emphasized by the fact that, when turning from the few to the many—from the few who produce much to the many who produce little—they assume, in the case of the many, as an instinct of eternal justice, the very desire for personal gain which, in the case of the few, they first describe as a hideous and incurable moral disease, and then propose to cure, as though it were the passing ailment of a baby. For what is the bait with which, from its first beginnings till to-day, socialism has sought to secure the support of the general multitude? It is mainly, if not solely, the promise of increased personal gain, without any increased exer-

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tion on the part of the happy recipients. With Marx and the earlier socialists, this promise took the form of declaring that every man has a sacred right to the whole of the wealth produced by him, that all the wealth of the world is produced by the manual laborers, and that the laborers must never be satisfied until they have secured all of it. The intellectual socialists of to-day, having gradually come to perceive that labor itself produces but a fraction of this wealth only, have had to alter the form of this promise; but they still adhere to its substance, and the altered form which they give to it does but bring out more sharply the fact that they appeal to the desire of personal gain as the primary economic motive of the great majority of mankind. For, whereas the earlier socialists contented themselves with promising the laborer the whole of what he produced, and promising it on the ground that he had produced it, what the laborer is promised by the intellectual socialists of to-day is not only all that he has produced—which in most cases he gets already—but a great deal more besides which is admittedly produced by others.

We thus see that, according to the socialistic speculation of to-day, the kind of moral conversion which is to make socialism practicable is to be rigidly confined to one particular class; for, on the part of the majority, no change is required at all in order to render the socialistic evangel welcome. So far as they are concerned, the old Adam is quite sufficient. None of us need much moral converting in order to welcome the prospect of an indefinite addition to our incomes, which will cost us nothing but the trouble of stretching out our hands to take it. Socialists often complain that, under the existing dispensation, there is one law for the many and another law for the few. They propose themselves to introduce a difference which goes still deeper, and provide the few and the many, not only with two laws, but with different natures, and two antithetic moralities. The morality of the many is to remain, as it always has been, comfortably based on the familiar desire for dollars; the morality of the few is to be based on some hitherto unknown contempt for them; and the class which the socialists fix upon as the subjects of this moral transformation is precisely the class which they denounce as being, and as having always been, in respect of its devotion to dollars, the most obstinately and hopelessly incorrigible.

That arguments such as these, ending in an absurdity like

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this, and starting with the assumption that it is possible to animate a manufacturer's office with the spirit of soldiers facing an enemy's guns, should actually emanate from sane men, would be unbelievable if the arguments were not being repeated from day to day, and repeated by men who, in many respects, are ingenious reasoners. Of the depths of absurdity to which such men can descend, when engaged in the discussion of this question of the transformation, I will give one example more, which is supplied to us by Mr. Sidney Webb. In order to show how readily the great directors of labor may be induced in the future to forego all personal claims on the wealth which will be due to the continued exercise of their talents, Mr. Webb declares that it will be very easy to convince them that the special ability with which persons like themselves are born "is an unearned increment, due to the effect of the struggle for existence on their ancestors; and that, consequently, having been produced by society, it is as much due to society as the unearned increment of rent." Now, of course, in a certain sense this contention is true, and for the purely speculative sociologist it possesses its own significance; but that it has no bearing on the problems to which Mr. Webb seeks to apply it, and that it will have no practical influence on the conduct of any man, woman or child, may be seen at once by following Mr. Webb's example, and carrying his own logic a little farther than he has done himself. If the able man, who produces more wealth than his fellows, has no claim to the possession of exceptional wealth himself, because he owes his exceptional productivity not to himself, but to society, it is to society as a whole that the idle man owes his idleness, the stupid man owes his stupidity, and the dishonest man his dishonesty; and if the man who produces much is able to claim with justice no more wealth than the man who produces little, the man who is so idle or drunken that he will not produce anything may with equal justice claim as much wealth as either. Can the force of nonsense go farther than this?

Such is the reasoning to which the more thoughtful socialists of to-day, having escaped from the crudity of the original doctrine of socialism that the wealth of the modern world is due wholly to manual labor, are now driven to resort, so as still to promise the masses a general redistribution of wealth, whilst abandoning the theory of production on which that promise

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originally based itself. We find their reasoning, in proportion to its own logical consistency, moving in a vicious circle, tethered to an impossible conclusion like a cow tethered to a stake, and escaping from absurdity of one kind only to land itself in another — escaping from a theory of production which is worthy only of a child, by adopting a theory of human nature which is even more elaborately childish.

The explanation of this phenomenon is, as we shall see hereafter, to be found, not in the fact that these theorists—such, for instance, as Mr. Sidney Webb—are deficient in their mere powers of reasoning, but in the fact that they are deficient in their knowledge of those complex social forces to which their reasoning is applied. And that such is the case is indicated by the remarkable fact that the men who are foremost in demanding that wealth shall be redistributed are notoriously men who have been impotent to do anything towards increasing, or even maintaining, the already increased production of it themselves. But, in addition to their personal inacquaintance with the productive and constructive forces at work in the modern world, the more thoughtful socialists of to-day owe their naïve ideas with regard to the plasticity of human motive to a theory of society which is not peculiar to socialism. This is the theory that, in any community or nation in which each citizen is equally free to express his will by his vote and realizes the extent of the power which thus resides in him, the will of the majority has practically no limits to its efficiency, and will be able in the future to bring about moral changes which seem at present to be beyond the limits of possibility only because the means for effecting them have never yet been fully utilized.

This conception of voting majorities, as possessing an absolute power of moulding societies in accordance with their recorded will, forms, as it were, a reservoir of vague and unanalyzed thought, from which many kinds of opinion other than socialistic are irrigated. Socialism, however, in all its forms alike, appeals to this conception of democracy with an insistence peculiar to itself; and with this conception of democracy I shall deal in the following article.

W. H. Mallock.

(To be Continued.)

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OUR DUTY IN CUBA.

BY CHARLES A. CONANT.

THE United States have a duty to perform in Cuba which was definitely assumed by treaty with Spain, and afterwards defined by the voluntary act of the two Houses of Congress. The treaty with Spain declared that the United States would maintain order during the American occupation of Cuba. It was, indeed, prescribed that the obligations of the United States were limited to the period of occupancy; but our Government declared that "it will, upon the termination of such occupancy, advise any government established in the Island to assume the same obligations." This obligation of the United States to the world was further strengthened by the language of the Platt Amendment to the Army Appropriation Act of March 2nd, 1901, which declared, among other things:

"That the Government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property and individual liberty, and for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States, now to be assumed and undertaken by the Government of Cuba."

It is in pursuance of these obligations to the civilized world that United States troops are now in Cuba, and that the Government is being administered by an American Provisional Governor appointed by the President of the United States. Under such conditions, the question becomes important how far the United States should go in establishing sound political and economic conditions in Cuba and meeting the wishes of those of her people who desire a stable and progressive Government.

A very short time in Cuba brings home to one the fact that nearly every member of the business and financial community

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prefers American control to native government. Not Americans only, but English, German, French and even Spanish merchants and bankers feel that their interests will be safer under American authority than under a native Cuban Republic. The reason for this is found in the legacy of shiftlessness and idleness left by the long wars among the lower orders of the population. If Cuba were South Carolina or Louisiana, it would be a question of race, for on the one side are arrayed substantially all the whites and on the other side the blacks. In Cuba, however, the race question is only an incident. Between the whites and blacks is a large population of mixed blood, shading imperceptibly from the almost black to the practically white. Traces of negro ancestry carry in themselves no such social stigma as in the United States. Apart from a few old families which have kept pure their Spanish blood, the inhabitants of the middle class—professional men, clerks and shopkeepers—are in considerable proportion persons of mixed blood. No hard and fast line is drawn against them because they are not pure Caucasians.

The essential question, therefore, is not one of race, but of the control of the Island on the one hand by those who have something at stake, and on the other hand by those who by many years of nomadic life, looting and marauding have lost much of the disposition to labor and much of the sense of civic responsibility. The conservative men of Cuba are determined that the latter element shall not become their governors, but there is great danger that this will occur if order is not enforced with a strong hand.

The President of the United States has declared that the United States will withdraw from Cuba and remit the Government to the Cuban people as soon as conditions will permit. In pursuance of this policy, Secretary Taft announced in a letter written before leaving Havana last month that a census of the Island would be taken, and that this would be followed at intervals by the municipal and provincial elections, by the Presidential election, and afterward by the surrender of the Government by the United States to the new President and the Congress chosen in the elections. Secretary Taft thought it prudent, however, to add this significant clause:

"The carrying out of this plan is, of course, strictly dependent upon the tranquillity of the country, which must continue through the two

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elections and must give assurance of the stability of the new Government, because without this the United States will not be discharging the obligations devolving upon it by reason of the intervention."

The census of the Island will probably require about six months, and some interval will elapse after its completion before the holding of the first elections. If these pass off peaceably, the Presidential election will then be in order, but not for an interval of at least three months. Then, under the Constitution of Cuba, one hundred days are to elapse before the inauguration of the new President and the surrender to him of the authority which is now being exercised by Governor Magoon. With the delays which usually accompany important Governmental measures, these various steps will extend the period of American occupation practically to the end of the year 1908, if not longer. Any hitch or jar in the process of ascertaining the popular will and installing the new Government will cause additional delay.

Great rejoicing was felt among the sugar-planters, merchants and bankers of Cuba when this announcement was made by Secretary Taft. The planters, with the bankers upon whom they rely for advances, felt that they would be able to harvest their crops and export their products under conditions of security for another two years. They would have been even better satisfied with the definite assurance that the United States would not withdraw from Cuba, but in view of the resolute position of President Roosevelt, that the Cubans should have self-government if they were capable of carrying it on, it was not possible for Secretary Taft to go farther than he did go.

Having thus obtained the assurance of security for two years, far-sighted business men and statesmen in Cuba are naturally turning their attention to the functions which the American Government is exercising. Thus far, the policy of Governor Magoon has been, perhaps wisely, a policy of meddling as little as possible with the ordinary processes of administration. In the language of the leading Spanish journal, the Government of the first intervention "dictated laws, made reforms, established new forms of administration, and worked efficaciously for the country's social betterment"; but, says the Spanish journal, the "*Diario de la Marina*":

"The character of the provisional Government now in force is altogether different. Where before there were creative activity, regenerative

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work, fecund spontaneity, resoluteness, energy and quick accomplishment, there are inertia, indifference and paralysis. The Government of intervention seems to propose to itself no other end than the maintenance of material peace, the preservation of public order."

It is then urged that, since the United States by intervention checked the creative functions of the Cuban state, it should not neglect to exercise all of its authority for the protection and active direction of Cuban affairs. In other words, in summing up the necessities of the situation, "the Government of intervention should not be a mere sterile parenthesis or hiatus in the political life of Cuba."

This definition of the proper functions of the American Government is apparently intended less as a criticism of what has been done in the past than as an expression in favor of doing something more constructive in the future. Only since the visit of Secretary Taft has it become clear that American authority will continue long enough to permit definite constructive measures. Now that it is clear that this opportunity will exist, the most far-sighted residents of Cuba appear to believe that the opportunity should be taken advantage of. If the American Government honestly intends, as President Roosevelt and Secretary Taft so emphatically declare, to return Cuba to the control of her own people, then, obviously, this result will be more certainly attained by turning over to the Cuban people an efficient working machine, rather than one which has been allowed to rust by disuse or which has become out of date by neglect to adopt the latest and most efficient mechanism. President Roosevelt, with that love of action which has so endeared him to the American people, should be quick to catch the significance of this opportunity—to do in Cuba, as far as possible in a short time, the creative work done by Lord Cromer in Egypt.

Little of a constructive character was done by the Cuban Congress during the four years of self-government in Cuba. Its activities were limited largely to the issuing of loans for paying the soldiers, and to granting franchises which were earnestly sought by a certain type of Americans. To preserve, however, is much easier than to build up. If the American Government should adopt the same constructive policy which during the first intervention gave clean streets to Havana, stamped out yellow fever, introduced the American system of bookkeeping into the

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Treasury accounts, and prepared the way for improved means of communication, the new forms of administration created would probably in many cases be carried on without difficulty by the Cuban Government, where it could hardly be expected to take up the work of their creation.

Among the reforms which might well be set on foot by the American Government, are the organization of the banking system upon the basis of official inspection and public reports, which would protect the people against unsound banking; the organization of the fiscal service so as to return to the channels of trade the large surplus accumulating in the Treasury; the introduction of a national subsidiary silver coinage and a national gold standard; the organization of postal savings-banks, which are needed to instil the essential lesson of thrift into the people; and, perhaps, reform of the system of taxation. Most of these reforms are of a character which could be put into operation without friction within a short period of time, and they would tend so to improve economic conditions in the Island that the prospect of stability under a restored Cuban Government would be vastly greater than if such reforms were not undertaken.

The adoption of broad economic reforms might tend to solve in some measure the political problem, as well as the economic one. While many of the men who spent many years in the revolution, bivouacking, marching and raiding, are disinclined to labor, yet those who are would probably be better contented if the large surplus in the Cuban Treasury began to be disbursed for important public works. There is no doubt that Cuba badly needs good roads and other improvements, and the money for much of this work is already in the Treasury. Labor on the plantations is well paid, the most unskilled often demanding two *pesos*, which is the equivalent of $1.80 in American money. Some of the plantation-owners find difficulty in getting labor even at these prices, but the question is probably one of locality, rather than of the absolute lack of proper labor on the Island. If measures could be devised which would put at honest work some of the revolutionary soldiers who loiter about Havana and other cities, they would be restored to the ranks of self-supporting citizens, and the Government would be relieved in a measure of the dangers of an idle and discontented proletariat.

If the Government of Cuba is restored to her own people, it

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will still be necessary, in the opinion of conservative Cubans, for the United States to exercise a stronger influence in the future than has been exercised in the recent past. The American Minister has the authority under the Platt amendment to intervene to check unwise legislation. Metes and bounds have not yet been set, however, to the measure and the frequency of this intervention. It would probably greatly strengthen the position of the American Minister and facilitate his work if he were aided by a financial adviser who devoted his entire time to aiding the Cuban Government in promoting the economic progress of the Island. The task of the American Minister to Cuba would be simplified if he could lean upon such an official, with the understanding that behind them both stood the entire moral force of the United States. Probably some such solution as this is the only way of avoiding future intervention. Such a solution is essential in any case to assure the business community of Cuba that order and respect for law and contracts will prevail continuously in Cuba, unless circumstances compel the United States to take the more drastic action of converting into a permanent Government the present provisional one.

The future of Cuba is bright if she is well governed. The natural resources of the country in sugar and tobacco alone can be greatly enlarged with proper railroad facilities, with the return of the blacks to honest labor, and with the assurance of good government; but capital will not be invested in important permanent improvements, like railway extensions, tramways and new mills, until order under some form of government is permanently assured. It should be the mission of the United States to give this assurance. It is not incompatible with self-government in Cuba, provided that government is sane and progressive. To this result the present Provisional Government of Cuba will contribute if it introduces into the Island some of the methods and the constructive reforms which have made Egypt blossom as a rose under British authority, and which made the American flag welcome in the early days in Florida, in Louisiana, in Texas, and in California, and still make it welcome wherever it is planted.

CHARLES A. CONANT.

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NATIONAL TENDENCIES AND THE CONSTITUTION.

BY WILLIAM V. ROWE.

At this time, in the midst of an underlying popular ferment and discontent, and in the common interest of our people's welfare, of the rights of property, and of our natural and continuous development as a *nation,* a plea is here entered for the national life and *constitutional* centralization, and for the only sane and effective regulation of wealth and its activities, and the correction of prevalent abuses, by the use of certain of the practically unlimited powers of the Federal Government. It is not intended, however, to seek a cure-all in legislation. That is a will-o'-the-wisp. It cannot too often be reaffirmed that the wrongs of business and the ills of humanity, which arise from the weakness of human nature, cannot be cured by statute. Nor is it the purpose to discuss any isms or panaceas, or to advance any new or radical ideas, or destructive criticism, for patience has been exhausted by merely academic debate; but it is the purpose to offer a few simple, concrete suggestions for real and practical remedies, operating in ways well understood. Of course, it is constantly insisted that all this is unnecessary, and that we need only force proper action on the part of the States. That assertion has a familiar ring, and it will be tested.

As against wealth and property—merely withdrawals from the common store—the people have determined to protect themselves from depredations; and wealth and the interests of property, which must find their only security in the respect and regard of the people, must win and entrench themselves in that regard by the service of humanity and the assumption of a proper share of the public burdens. An intelligent public opinion, however, in safeguarding the public interests, will insist that absolute justice

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be measured out to all. Our hopes for the future, in that behalf, rest confidently upon the character of our individual citizens and upon the even-handed justice established by our institutions.

This existing spirit of discontent found among a majority of our people, especially in the East, is not hysterical, or otherwise impulsive or ephemeral. It is based on certain fixed ideas concerning the abuses of wealth, and of opportunities open to wealth, and concerning causes for the admitted startling increase in the cost of living—ideas which have been fostered by reflection, aided by the constant campaign of exposure and investigation maintained by our newspapers and the public authorities. The questions involved are no longer debatable. The conclusions which the majority of our citizens have formed on these questions are sober and deliberate, and have become a crystallized public opinion, by which, in our country, we must be governed. It is useless, and will be prejudicial, to attempt further discussion. The people state as a fact the existence of what they regard as nationally stultifying and individually crushing and grinding abuses. They demand remedies.

This unrest and discontent, in view of our extraordinary general prosperity, is certainly a phenomenon, and it is increasing, even among those classes in the community which are distinctly intellectual and leaders of thought and action, and which are never led or misled by mere demagogic clamor or journalistic charlatanism. Our boasted prosperity has benefited chiefly the wage-earner and the man of wealth. The great class of salaried and professional men has felt no corresponding improvement. On the contrary, hand in hand with prosperity has come a disproportionate increase in the cost of living, and this latter class—the most important element in our citizenship—failing to share proportionately in the increased riches of the times, has been sorely oppressed by this abnormal growth in the material, routine burdens of existence. Feeling that the hue and cry of the insincere, cheap and irresponsible elements of society is justifiable, such men have reasoned out the problem for themselves. When that part of our citizenship speaks, its voice must be heeded. And it has spoken. The recent elections, for instance, in New York and Massachusetts, have left, written large upon the wall, what may be called our latter-day warning of "*Mene, mene, tekel, upharsin.*" This we are bound to take to heart, for it is now seen

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that the real forces in our democracy are already at work on this tremendous modern problem—the use and the abuse of wealth.

Our country stands for absolute equality in opportunity, and public opinion is right in its assumption that great aggregations of wealth, even when properly used, by virtue of their mere weight and momentum, necessarily tend to produce inequality, and, when misused, may even absolutely destroy, as, in many instances, they are said to have destroyed, all opportunity for individual and competitive effort.

The people are also weighed down by the conviction that wealth, though confessedly derived from the common store, and absolutely dependent for its security upon the good-will of the community, is rendering practically no service to society in return for its protection, and is bearing no proportionate part of the burdens of taxation.

Nevertheless, if we draw our inspiration from the past, and are guided by the signs of the times, it is evident that too much stress cannot be laid on the suggestion that much can be done to stem this tide of discontent, and to satisfy this existing public opinion, if the possessors of wealth, in wisely chosen ways, not only will return to the public service a fair share of their accumulations, but also will devote themselves to the creation of a leisure class, of wide culture, training and experience in affairs of state, whose lives shall be given to the public service and to the general welfare, and upon whom the workers of the community may learn confidently to rely for skilled and expert guidance in public affairs, and for an efficient, clean and decent performance of the duties of public office. This is the real use, as distinguished from the selfish abuse, of wealth. Let the gospel of service become the gospel of wealth, and purely obstructive distrust will give place to an uplifting mutual confidence. Indeed, conditions are rapidly improving. The cultured sons of wealthy parents are already entering politics and the public service, and securing the people's confidence. The dawn of a better day in public affairs is already breaking. No one can possibly overestimate the value, in this respect, of President Roosevelt's life and action, as an example, and of his personal force and initiative in what we may term this new life of the nation.

At the moment, however, in order fully to restore the people's confidence, something more is required than mere social and pub-

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lic service. Wealth must be made to pay its way, and its acquisition, use and transmission must be regulated; but the people must be influenced to proceed slowly and conservatively. In our country, we do everything without deliberation and upon the spur of the occasion, and solve, offhand, all problems, however serious or novel. This is our national habit and our national fault, which, if allowed to control in this particular matter, may lead to the gravest consequences. Familiarity with the statutes and legislative methods of the States and the Nation during the last twenty-five years has led to the abiding conviction that the two greatest evils in our American life (they are grouped, and the superlative is used advisedly) are over-legislation, on the one hand, and hasty, ill-considered (or unconsidered) and improperly framed legislation, on the other. The first is the direct result of our dual system of Government, which, with its unnecessarily and absurdly frequent sessions of half a hundred lawmaking bodies, promoting ceaseless agitation and destroying calmness and deliberation, we have not yet learned to operate to advantage; and the second is due to, and is the natural product of, the uncultured and untrained character of our legislators and public men. We are now laboring and suffering keenly under this legislative incubus, which is increased by the large number of that worst of parasites on the body politic—the citizen who is a mere selfish politician without any proper conception of either private obligation or public duty. This situation is largely responsible for these present-day disturbed conditions of the social atmosphere; and yet it is but a passing phase. We are growing rapidly, and education, training and natural development will work out the obvious and needed remedies.

At the outset, it is proper to note that an unjustifiable general indictment has been made of accumulated wealth in corporate form, and of its alleged exclusive monopolistic privileges and franchises. We cannot prevent by law the union and association of wealth in corporations, for union and consolidation — the formation, for instance, under our Constitution, of a "more perfect union"—are of the very essence of our existence, and are in accordance with the course of nature. Without such association and combination, the extraordinary resources of our vast domain, for the lasting benefit of the farmer, the mechanic and the laborer, could never have been developed. As one of the

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wisest members of the Supreme Court of the United States said, in writing for that court many years ago concerning these very suggestions:

"Nor can it be truthfully denied that some of the most useful and beneficial enterprises set on foot for the general good have been made successful by means of these exclusive rights, and could only have been conducted to success in that way."*

It is, then, merely the abuses of these special and exclusive privileges, in the accumulation and employment of excessive wealth, of which our citizens justly complain.

The people have two agencies which they may employ to check and regulate such abuses—the one, the Nation, the other, the State. It is said that, in interfering in such matters, the Nation is trenching on "State rights," and that the States alone can act. This suggestion overlooks the fact that the *people,* the source of all authority in both State and Nation, are making their own choice of an agent, within the constitutional limitations which they have themselves set up, and that, in all matters which, like this, admittedly affect the "*general welfare,*" the people are now invariably turning to the National Government, created by them for the very purpose of promoting and protecting their general well-being.

In that most perfect statement ever made of the objects of all government, contained in the preamble to the Federal Constitution, *the people,* in stating their purpose and intent in forming this Nation, have finally and conclusively disposed of all such questions. In that brief paragraph they solemnly affirm that:

"*We, the people* of the United States, in order to form a *more perfect union,* establish *justice,* insure *domestic tranquillity,* provide for the *common defense,* promote the *general welfare,* and secure the blessings of *liberty* to *ourselves* and *our posterity,* do ordain and establish this Constitution for the United States of America."

As Chief-Justice Marshall long ago declared:

"The Government proceeds *directly from the people.*" "Its powers are granted *by them,* and are to be exercised *directly on them and for their benefit.*"†

The States are merely subordinate instrumentalities of the people.

* Mr. Justice Miller, in *Slaughter-House Cases,* 16 Wallace, at page 66.
† *M'Culloch* vs. *Maryland,* 4 Wheaton, at pp. 403 and 405. (1819.)

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At this somewhat momentous period of our national existence, we are chiefly interested in this announcement of the purpose to "form a more perfect union," to "establish justice" and to "promote the general welfare." Union there was, then, but of separate entities and segregated communities, imperfectly joined. Union, the consolidation of thought and effort, was, however, the accepted foundation of the structure, and the primary purpose and desire were to make it "more perfect" and complete. Our fundamental law has thus embodied a recognition of the natural tendency to cohesion and consolidation, and of its value to human society as a whole. The union of wealth and of effort in corporate form is no less natural; but, whereas the people have protected themselves by their Constitution against the abuse of consolidation in governmental matters, there has heretofore been lacking specific and efficient protection in respect to industrial consolidations.

Accompanying the formation of this union, and immediately following it, were to come "the establishment of justice" and the promotion by each of the State communities, which, theretofore, had been seeking to advance its own particular selfish interests, of the "general welfare" of the whole.

This "more perfect union" of the fathers' dream is being realized. Through the radical upheaval of the Civil War—at which time we ceased to regard ourselves as a confederation, and became in fact, and called ourselves, a Nation—and by the vast increase, throughout the country, in the power of the press, in the activities of our commercial and agricultural life, and in the means of intercommunication furnished by the many extraordinary applications of steam and electricity, and lastly through the welding power of the Spanish-American war, we are rapidly approaching our national maturity, and are developing a complete homogeneity. This perfecting of the union has involved the voluntary elimination of all sectional lines and differences —we have almost been able to see them disappear, day by day— and the burial of alleged States' rights and of their selfish separate interests; and the wiping out of these lines of demarcation has left us, in these recent years, one people, absolutely united in purpose and in action. In short, the Nation, in the best sense, has now assumed all the powers and duties of *nationality*.

The national life really began with this self-renunciation—

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shall we call it redemption?—of the States and of the people of the several States as distinct communities. In these latter days, it has been wonderfully rounded out. The obligation to serve bears as imperatively upon the Nation, in its international relations, as upon the individual in his social environment, and who will undertake to measure, in either case, the developing and refining influence of the faithful observance of that obligation, and of the golden rule, in personal and national conduct? In this respect, as a nation, we have always welcomed the inpouring immigration of the oppressed from all other lands, and have recently, with Hawaii, Cuba, Porto Rico, the Philippines, China, Japan, Russia, Santo Domingo and Morocco, in Central and South America, and in the conference of The Hague, still further kept the faith and carried the burden, and, assuredly, our bread will return upon the waters of life. The law of compensation, in its operation, is inexorable, but absolutely just. The Nation's sin will find it out, but the Nation's virtue will reap its everlasting reward. Our national provincialism, like the provincialism involved in the selfish assertion of States' rights, is dying, if not already dead. Peace to its ashes! We have now taken our place among the *nations,* and henceforth our responsibility is to civilization and the world at large.

Moreover, notwithstanding the dual nature of our government, due to the independent State and National sovereignties, the full preservation of which our welfare undoubtedly demands, we are now, as a matter of fact, after passing through the many embarrassments of our crude, provincial minority, duly recognizing our international obligations; for we are now ceasing to plead an absurd and belittling national disability in respect to State action, and, as a nation, are accepting our proper responsibility for our treaty obligations, and for the action or non-action of the individual States or the people thereof. Internationally, we are now acting as a nation, and not as a confederation or group of independent and separate sovereignties. The States cannot have international relations or recognition. The Nation alone can create treaty rights and obligations; and these, as the supreme law of the land, must, under the Constitution and in the nature of things, be controlling and enforceable throughout the national domain, and within the jurisdiction of each State.*

* See *Ware* vs. *Hylton,* 3 Dallas, 199, 236–7.

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Then, too, we are now witnessing, in every-day experience, constant appeals to the national power. These are often attributable, it is true, to efforts on the part of the States and the people to promote their selfish and material welfare, but love of country is at the bottom of it all. Even spiritual progress is frequently dependent upon, or due to, action dictated by the most selfish and material motives. Whatever their real motives may be in particular cases, the people are now freely committed to the national idea and a centralized form of government, and we are thus sweeping onward with the strength of united effort to our accepted place in the world's history and the fulfilment of our lofty mission in the unprecedented advancement of humanity. Increased love of country, as the dominating motive, will surely follow.

In the light of this national growth, and of these national tendencies, when we ask, Does the tariff need revision? Do individual wealth, its acquisition and use require further regulation? Do the growth of corporations, their income, franchises and other business activities require controlling action? we do not seek the answer in a consideration of what may best suit the interests and desires of Massachusetts, New York, Texas, California or Alaska, alone, or of any one section, whether North, South, East or West, but in the determination of what is best for the "*general welfare*"—for the commonwealth—for the promotion of which this Government was organized. At this late day, it does not seriously interest us to learn what particular view, with reference to her own selfish interests, California may entertain concerning the Japanese question, or Massachusetts in respect to the doctrine of reciprocity, for it is folly longer to discuss selfish State purposes or selfish State interests. They do not exist—at least, when we are discussing measures which necessarily must affect our people as a whole. With this renunciation of all selfish interests by the States, we are entering upon a new and inspiring era in the higher development of the Nation. It is not too much to assume that, in the present temper of our people, they are prepared, in all trustfulness, and within the constitutional limitations which they have themselves prescribed, and which they may enlarge at their pleasure from time to time, to surrender to the Nation, as far as practicable, substantially all such "powers" as have been deemed to be reserved to the States and the "people"

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by the Tenth Amendment to the Constitution, so far, at least, as such surrender may be necessary to carry us forward to a perfect and effective union as one Nation.

State rights, then, as formerly interpreted, are no longer insisted upon. They are gone, and forever. This is not a theory or subject for debate. It is an existing condition, a fact, and must be accepted. The phrase "State *rights,*" or "reserved *rights* of the States," indeed, always involved a misnomer. The Tenth Amendment reserved "*powers*" to the "States respectively, or to the *people,*" and whatever "powers" were thus reserved to the States, they, in turn, had always derived, primarily, from the *consent of the people,* the source of all right, power and authority. "Rights," in the proper sense, the States never had. As governmental agencies, they had certain "*powers,*" conferred by the *people,* and reserved by the Constitution.* Such powers are revocable by the authority conferring them—here, the people—but the essence of a right, in this broader sense, is its inalienability, and such rights the States did not, and do not, possess.

State pride, also, like the former eloquent appeals for "State rights," is, fortunately, a thing of the dim past, and, in the light of what has already been said, must be deemed to be a relic of barbarism, whose advocates, in the irresistible onward march of the Nation, the people have finally sent to the rear. There is no longer any pride of State, in the old sense, to stand in the way of national growth, or any peculiar homely interest in State welfare. The great, throbbing people of this land are paying heed only to the interests of the whole Nation, as a single entity, for whose well-being they make their daily invocations. Prayers for the State one almost never hears, but prayers for the Nation, always. The past has buried its dead, and the strict constructionist of the Constitution has had his day. This element, like every other obstacle to national growth, has been either sloughed off or outgrown, and the natural laws, governing growth and development, centralization, consolidation and union, have taught the people

* "The *powers* the *people* have given to the General Government are named in the Constitution, and all not there named, either expressly or by implication, are reserved to the *people,* and can be exercised only by *them,* or upon further grant from *them.*" (Mr. Justice Brewer, in concurring opinion, in *Turner* vs. *Williams,* 194 U. S., at page 296).

"There can be no limitation on the power of *the people of the United States*" (*Ware* vs. *Hylton,* 3 Dallas, 199, at page 236—United States Supreme Court in the year 1796, by Mr. Justice Chase).

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to seek and to find, within the Constitution, those fundamental principles which not only sanction and justify, but actually encourage and promote, the greatest conceivable extension of the national territory and the national functions. The dead letter may be that of an eighteenth-century constitution, now confronting twentieth-century conditions; but the living spirit is in harmony with the youth of our people, expanding and developing with their needs. What the people really seek within the four corners of their charter they invariably find. Amendment of the letter may hereafter occasionally be required; but to refer to it as an antiquated and inadequate production of the eighteenth century is to ignore the eternal life of the spirit which the genius of the framers breathed into its phrases.

And so it is that we now hear of the "reserved rights of the States" only as an incident in the discussion of long-desired possible extensions of the national functions under the Constitution. In short, the States are, in these days, treated by the people only as so many uninteresting and cumbersome, but necessary, local governmental agencies for home rule and the administration of purely local affairs.

The people, influenced by the demonstrated inefficiency of the State governments in the more important matters affecting their "general welfare," have tacitly permitted, and are, now, constantly promoting the assumption by the central authority—the National Government—acting within constitutional limitations, of a great part (not purely local in nature) of the real police powers and functions of government. This is significant. In it we see both the modern craving for sincerity and efficiency in public service, and the naturally increasing demands upon centralized power arising from the rapidly growing homogeneity of our people.

In our daily life there are many striking illustrations of this natural growth of the national life, and many evidences of the constant study of the people, and of the separate States, to increase, under the Constitution, the power and efficiency of the united people as a Nation. In action of this nature, we find an open confession of weakness and helplessness on the part of the States, quite conclusive in support of the demands for centralized action wherever constitutionally possible. We refer, particularly, to the repeated and persistent attempts, on the part of

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the different States, to secure *uniformity* of State legislation and action in all matters (insurance, divorce and commercial law, for example) admitted to be, perhaps exclusively, within State jurisdiction, and in respect to which the conflicting practices of forty-six different States have produced evils seriously interfering with the life and growth of a people, now united in the pursuit of common interests. Speaking generally, whenever the subject-matter of legislation covers two or more States, such uniformity of regulation becomes essential, and it can be absolutely secured only through *national* control, exercised under the Constitution or an amendment thereof. That is the national tendency, which, as the generations come and go, will unquestionably be completely worked out.

Centralization itself, indeed, is but the natural striving of the people for *uniformity*—for real and "perfect union" and mutual trust, as distinguished from the disintegrating and devitalizing selfishness of independent State action. The separate State sovereignties, revolving about the national centre, are, through the natural operation of cohesion and centripetal force, gradually being brought together on all subjects of common interest. Mutual trust and confidence, mutual service and interdependence, are working out the golden rule in interstate relations and activities. Truly, their provincial and selfish bachelorhood has been succeeded by the national intermarriage of the States, and upon the fruition of that marriage the welfare of the world now hangs.

The calls upon the Nation, for the performance of particular duties bearing upon the "general welfare" of the people, are numerous—as, for instance, frequently, for the preservation of peace within State boundaries, the establishment of an adequate quarantine, the promotion of irrigation and forestry, the prevention or remedying of loss and damage due to extraordinary catastrophes within the States, the universal enforcement of the national anti-trust law and other Federal interstate-commerce laws, the aid and advancement of memorial and historical celebrations and expositions by the States, the development and enlargement of agricultural pursuits within the several States (and, in that connection, we may note the recently reported request for the destruction, for example, in the South, of the boll-weevil in the cotton-fields, and, in New England, of the gypsy-moth pest)—although many of these matters may, at times, decidedly strain

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the expressly granted powers of the National Government, and although, very often, they directly affect State interests and property rights of individuals secured by State franchises and laws.

What is more to the point, it has now become self-evident that, inasmuch as this problem of wealth of necessity affects most seriously the "general welfare" and "domestic tranquillity" of the whole people, it cannot be dealt with satisfactorily by the several States, but must be cared for by the nation itself, which was constituted for the express purpose of dealing with subjects of that nature. In that respect, the Confederation was a failure, for that experiment demonstrated that nothing less than the entire people, united as a Nation, can possibly cope effectively with such conditions. Accordingly, we find that the attempts of the States to regulate so-called "trusts" or monopolies have, for this reason, been abortive, and, as the President has said, with much justice, it was mere "sham and pretence" to expect anything else. It is both physically and constitutionally impossible for one State to legislate or act for the whole, and, besides, each State has its own special and selfish interests to subserve. Texas, for example, one of the parents of anti-capitalistic legislation, having attempted, like Illinois in another connection, by every sort of device and indirection, to except her own agricultural and cattle interests from the operation of her anti-trust laws, when informed by the courts that she had not legally made, and could not make, such exceptions, at once lost much of her ardor in her anti-trust activities.

That uniformity and effectiveness of regulation, which can come only from national intervention, is made necessary by the constant shocks to business produced by these fragmentary attempts of the different States to enforce their many different anti-trust laws, of which, it is believed, there are three or four score in existence. All of the important business of the country is now interstate, demanding uniform laws and regulations. It is, in large part, conducted by foreign corporations—that is to say, corporations organized in States other than those in which they are found from time to time carrying on business. Many of these foreign corporations are called "trusts." Startling as it may seem to the lay mind, such corporations, formed in one State, have, under the Constitution, no absolute right to enter

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and do business in such other States, and, in carrying on business there, act only in the exercise of a mere license, which all States, other than the parent State granting the charter, may revoke at pleasure. It has even been seriously argued, if not judicially determined, that such corporations and their property, in States other than those of their origin, may, under certain circumstances, become bound by statutes unconstitutional as to all other persons; and it is settled that no corporation is entitled to any of the privileges or immunities of citizens. Bearing in mind the magnitude of the property interests represented by such foreign corporations in the several States—for, probably, the larger part of the vitally important business of the country is now being conducted by such foreign corporations—we at once see that, under existing circumstances, their security, like that of the corporate interests of England, rests only upon the conservatism and good-will of the people—here, the majority of the voters in the several States.

It is practically impossible for these great corporate interests to comply with the widely diverging requirements of the laws of forty-six States, which are constantly changing, and are applied with no uniformity as to either procedure or subject-matter. The "establishment of justice," for which this Union stands, demands that these great interests, many of them vital to the people's welfare, be protected by that uniformity of regulation which can come only from the Nation; and that same justice, for the protection of the people themselves, requires that this use of corporate wealth by foreign corporations be *effectively and uniformly* controlled. As it is, substantially all that any State can do is to tax such corporations, in the form of license fees, and in other ways, or exclude them from its boundaries, besides imposing, for the violation of State laws, a fine, which, for present purposes, we may assume to be confiscatory. All this, however, is plainly inadequate, for the corporations (or so-called "trusts") excluded by Massachusetts, Missouri or Texas, for example, will continue their business in adjoining States (which, from considerations of material gain, may purposely refrain from adverse action), and, acting by other agencies, or under other names, will even return to the originally hostile States. There have been many instances of this procedure. By this crude enforcement of inadequate laws, the people, acting through the agency of the

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States, practically, thus far, have accomplished nothing toward the solution of this problem of wealth. Here, then, is a point at which the people are beginning to insist upon uniformity of remedial control, which the Nation alone can furnish.

This archaic and wholly unpractical and incapacitating doctrine as to foreign corporations operating within the several States is plainly unjust to both the corporations and the people. The corporations themselves would enthusiastically welcome the uniformity of national regulation — and this, for the sake of the uniformity, and not by reason of any assumed comparative facility in controlling the action of Congress, as a single legislative body. Such facility does not, and cannot, exist, and there is no such danger to the body politic. A large part of the wealth of the country is under the control of, and is produced by, these very foreign corporations. Looking to the common advantage and the general welfare, the people demand, indeed have determined, that the acquisition, use and distribution of that wealth should be controlled. On the part of the corporations, the time has come when their best interests require uniformity in such control. How shall it be accomplished? And how shall the individual wealth, amassed through the use of this corporate wealth, be controlled in respect to acquisition, use and transmission? These questions are of great moment, and, as indicated, State action cannot be effective, and, indeed, has been demonstrated to be, at the best, utterly ineffective.

In any consideration of the proper ways and means at the command of the Nation, with which, under present conditions, to meet this possible emergency in our national life, due to this spirit of discontent, it must be borne in mind that the evident folly of expecting, or assuming, that adequate remedies can be furnished by the individual States is no greater than is the folly of the assumption that so-called "trusts," in the form of incorporated aggregations of excessive wealth, are mainly responsible for the conditions complained of, and that a few penalties, more or less, imposed upon them, perhaps accompanied by their dissolution and the punishment of their individual officers, will remedy the whole evil and satisfy the public desire. Nothing could be further removed from the fact. It is possible, by these and other methods, to regulate, to some extent, the abuse by wealth of its opportunities, but the regulation, to be effective, in

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the estimation of our people, and to be fair to the interests of all citizens, must be so adjusted that it will regulate the interstate business, not only of plethoric incorporated wealth, but also of associated, partnership or individual wealth, as well. Regulation, to be such in substance and not merely in form, must operate upon all interests, whether individualized or associated.

The "anti-trust" crusade has never been satisfactory, in either motive or result. It has been, heretofore, always more or less spasmodic on the part of both the State and Federal authorities, and has been aimed only at the alleged abuses of opportunity by wealthy corporations. On the part of the States, prosecutions, it is believed, have been dictated usually by selfish or political considerations, or by the cupidity of petty prosecuting officers entitled to a share of the penalties. There has been no disinterested, whole-hearted, earnest and systematic effort to discover and remedy real abuses, and no effective step has been taken to reach the individual, alone or in association with others. Until individual wealth is reached and regulated, little can be accomplished in satisfying the demands of the people.

We must never lose sight of the fact, for it is a fact, that the dissolution of a few great corporations, or combinations of corporations, will not, and cannot, even seriously curb the evil sought to be controlled, for the reason that the property of the corporations cannot be taken from them, except in the form of *ordinary* penalties (the law will not tolerate excessive, unusual or extraordinary fines, forfeitures or punishments, or confiscation in any form), and that the dissolution of the combination or corporation merely means the formal and nominal subdivision of the combined wealth, and the organization of new corporations by the same individual owners. Or, if confiscation of property be indulged in (Missouri now claims the right), the property, unless physically destroyed, will always return by purchase, directly or indirectly, to the original interested individuals. That is the uniform experience in such matters. This natural course and order of things cannot be seriously obstructed by law. The result of the Northern Securities dissolution—greatly adding to the wealth and opportunities of the individual constituents of the combination—and the equally ineffectual attacks on the Standard Oil Companies, are unanswerable illustrations in point. The actual ineffectiveness of these methods of procedure is only fully

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appreciated by those having competent knowledge of the situation. They only serve to scratch the surface or to stir up muddy waters. Such results can never satisfy the people, now thoroughly aroused, and will no longer even serve the purpose of political plays to the gallery. These methods will, however, without producing substantial results, needlessly inflame the worst passions of a certain section of the populace, and in that way the sober judgment and purpose of the great majority of our citizens will be defeated. In short, incorporated wealth is but a means; and, to reach the difficulty, we must find the individual organizers of the corporations, whose great wealth has been combined in that form, so that, whatever the *form* of its use, that wealth, in its substance, wherever employed, will be regulated in its use and made to bear its proper burdens. Toward the accomplishment of that end, it is at once seen, the regulation of corporations is but a step. What, then, can we properly do to reach the individual, the association and the partnership, as well—the real users and abusers of wealth?

For one thing, the rights of property must be respected, and Anglo-Saxon traditions on that head must be observed. Life, liberty and property are alike protected by constitutions and by laws. Under our institutions, property is almost as sacred as life itself. We can never deprive a citizen of his fundamental right to acquire property; and, even conceding the recognized power, it is not in the nature of things that we should ever deprive him of the ability and capacity to transmit at least a large portion of the property acquired. The right of acquisition and the ability to dispose of property furnish the necessary selfish motive power and incentive for human development. A law fundamentally impairing either would affect each citizen in a vital degree, upset the social structure and disrupt the State itself. It has been well said that the right to transmit property has a tendency to make of a man a good citizen and a useful member of society, prompting him to deserve well of the public, when he is sure that the reward of his services will not die with him.*

It is, therefore, the suggestion of a merely academic proposition, the prompting of a vivid imagination, to say that the States have the abstract power to prevent the transmission of property by will or upon intestacy. That power will never be exercised. We

* 2 Blackstone's Commentaries, page 11.

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have passed beyond the era of semi-savagery when it might have been called into play. The right to acquire and to use is unlimited, except as controlled by taxation and the requirements of the public use. The transmission of what has been acquired will, as a consequence, always be left practically intact, except as regulated and controlled in respect to manner and amount, and as limited by taxation.

It is, however, evident that the creation and increase, by different methods of use, as well as the transmission, of individual wealth, must be regulated—all this in the interest of its possessors, as well as of the public; for, as we have said, on the consent and action of the people at large must, in the last analysis, depend the security of wealth.

In the first place, because involving this whole subject, our system—or lack of system—of Federal taxation should be scientifically overhauled and remodelled by a commission of qualified experts. This is of the essence of the situation, and its importance cannot be over-emphasized. The time for haphazard taxation, through the tariff or otherwise, has passed. A proper use of the taxing power, for the "general welfare," coupled with an exercise of the plenary interstate-commerce power, will remedy most of the evils complained of from time to time.

The greatest source of discontent, even among the majority of our citizens who believe thoroughly in the principle and system of protection, is the existing tariff. Their complaint is a just one, for, where protection for several important industries long ago ceased to be necessary, there have been built up, in the name of the protective tariff, special privileges on which great capitalists have fattened, under the very eyes, and at the sore expense, of our citizens as domestic consumers. When, in the ordinary course of business, and as a matter of daily routine, the domestic manufacturer regularly sells his product in foreign markets for a sum substantially less than his price to the home consumer, under similar circumstances and conditions, in order to maintain the high-tariff price in the home markets, originally established and acquiesced in a generation ago for the benefit of infant industries, it is high time that something be done, since the difference between these prices, plus freight and other items, represents the voluntary contributions of our citizens to the already overgrown surplus-capital of the manufacturer.

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That method of using wealth has become an abuse which the American electorate, now well informed on the situation, will no longer tolerate. Let the protective tariff, as a system, stand, by all means; but let the Republican Party remove these abuses. Let an end be made of these shocking special privileges, which are plainly, day by day, adding to the wealth of the few. The people are watching and waiting. If one agency refuses to act, another will be made to act.

Again, while watching the inordinate growth of mere surplus wealth from such unjustifiable tariff abuses, the people are confronted by an extraordinary increase in the cost of the necessaries of life. The press and public officials have made superficial references to this latter fact, and reasons for an ordinary and temporary increase in the prices of many things are apparent; but no attempt has been made to trace the cause of the almost intolerable burden of the permanently enhanced cost of most of our necessary food-supplies. The people, however, have been thinking. It is believed to be the fact that never before in human history has the practice, condemned of old, of forestalling, engrossing and regrating in articles of prime necessity (that is to say, the monopolistic purchasing, in advance of market requirements, and the storing, of an entire food-supply, with a view to the creation of a future stringency, and a consequent artificial market with an artificially enhanced retail price) been carried to so diabolically perfect and scientific a consummation as at the present time. The cold-storage plants of the country, supposed to be "trusts" of the first magnitude, are believed to be wonderfully complete, and into their capacious maws, it is understood, are poured substantially entire supplies of vegetables, fruits, meats, eggs and fish, to be doled out at times and prices arbitrarily fixed to suit the pleasure and the pockets of the powers in control. The foreign markets, in order to maintain domestic prices, are favored with shipments of any surplus supplies. The results are seen in our current high prices, and the distinct inferiority of our raw-food supplies. This is a crying evil, and, if we do not pay heed to the conditions, the passions of the people may be unduly aroused. New legislation is needed. Speculation in food products should be made impossible. Let us learn the truth concerning this matter. Let the whole cold-storage business and

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the laying up of our food-supplies be carefully investigated, and then wisely regulated, under both Federal and State laws.*

Next in order should come, in the interest of the corporations and the public alike, a complete system of Federal control of corporations doing an interstate business, which means substantially all corporations doing any important part of the business of the country. The Supreme Court of the United States will eventually be called upon to determine whether, in the exercise of the power to authorize and require the incorporation under Federal laws of all corporations engaged in interstate commerce, Congress may, at the same time, confer upon such corporations the power to manufacture and produce within the States. Much may be said in favor of the contention that the latter power must be regarded as a necessary incident of the former—as a means to the end—since there can be no commerce without production and manufacture, the basis of all trade and the first step in commerce itself. It is said that, unless Congress can regulate the first step, and this means to the end, it cannot effectually exercise its power of control. While that is probably not true, it is to be hoped that a scientifically framed Federal corporation law may be adopted and sustained. Operating uniformly throughout the country, and offering to the public opportunities for effective regulation, such a law would, as we have said, be welcomed by all corporations, and would be a boon both to them and to the people. Whether Congress may empower corporations to manufacture and produce within the States or not, it is clear that the privilege to engage in interstate commerce may be conditioned upon incorporation under Federal law, and the submission to Federal regulation, such Federal incorporation to be *supplemental and in addition to incorporation under State laws,* which may confer original powers to manufacture, produce or engage in other business. This is not an unusual expedient. The corporation will then be protected in all its interstate relations by both charters, and in all its interstate and foreign relations by its Federal charter, in this way avoid-

* In advance of an investigation, it would be unjust to pass final judgment in this matter, and what is here said only expresses a belief and understanding. Nevertheless, the very nature of the subject and its intimate relation to the well-being of our people create a necessity for a prompt and searching inquiry. The Agricultural Departments and penal statutes of the States are believed to be utterly ineffective.

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ing the absurd embarrassments resulting from the foreign-corporation doctrine as now understood and administered.*

Whatever may be possible in the matter of Federal incorporation, it is clear that Federal control and regulation of all corporations, associations, partnerships and individuals doing an interstate business may be exercised and enforced through the medium of a required license for the conduct of such a business. Such a license may, as a condition precedent, require compliance with all of the restrictive regulations which Congress may see fit to impose. There is practically no limit to the control which the Federal authorities may thus exercise over the affairs and conduct of corporations, including all of the great corporations or so-called "trusts," for they are necessarily all engaged in interstate commerce.

This brings us to the really effective regulation of the use and transmission of all wealth, both corporate and individual—indeed, there is hardly a subject-matter that cannot be regulated—through the exercise, for the "general welfare of the United States," of the *taxing power* of the Federal Government. For

* Mr. Pinkney, in his argument in *M'Culloch* vs. *Maryland*, 4 Wheaton, at page 381, said:

"Has Congress, abstractedly, the authority to erect corporations? This authority is not more a sovereign power than many other powers which are acknowledged to exist, and which are but means to an end. All the objects of the Government are national objects, and the means are, and must be, fitted to accomplish them. These objects are enumerated in the Constitution, and have no limits but the Constitution itself. A more perfect union is to be formed; justice to be established; domestic tranquillity insured; the common defence provided for; the general welfare promoted; the blessings of liberty secured to the present generation, and to posterity. For the attainment of these vast objects, the Government is armed with powers and faculties corresponding in magnitude."

And again, at page 384:

"The State governments cannot establish corporations to carry into effect the national powers given to Congress, nor can Congress create corporations to execute the peculiar duties of the State governments. But so much of the power or faculty of incorporation as concerns national objects has passed away from the State legislatures, and is vested in the national government. An act of incorporation is but a law, and laws are but means to promote the legitimate end of all government — the felicity of the people."

In accepting the principles thus expressed, and in referring to the enumerated powers of the Government, Chief-Justice Marshall, in the same case, said (at page 407):

". . . We find the great powers to lay and collect taxes; to borrow money; *to regulate commerce;* to declare and conduct a war; and to raise and support armies and navies. The sword and the purse, all the external relations, and *no inconsiderable portion of the industry of the nation*, are entrusted to its Government."

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the ineffectiveness and wastefulness involved in the irreconcilable confusion arising from the attempts of forty-six different State jurisdictions to regulate, by taxation and otherwise, a single business, we may substitute one central authority, representing the whole people, with all of whom, it may be assumed, all of the great business in question is conducted.

The taxing power of Congress is unlimited, except that it cannot tax exports, and that direct taxes must be apportioned and indirect taxes must be uniform. It is to be exercised not merely to pay "debts" and provide for the "common defence," but for the "*general welfare.*"* Speaking of the Federal power to tax, the Supreme Court has recently said:

> "The power to tax is the one great power upon which the whole national fabric is based. It is as necessary to the existence and prosperity of a nation as is the air he breathes to the natural man. It is *not only the power to destroy, but it is also the power to keep alive.*"†

The taxing power may be exercised through the medium of a license fee, or, if there be a valid Federal corporation law, a regular corporation tax, as to corporations, and a license fee, also, as to all partnerships and associations. It would also be per-

* Constitution, Art. I, Section 8, Cl. 1.

† *Nicol* vs. *Ames*, 173 U. S., at page 515.

It is well to bear in mind the utterances of Chief-Justice Marshall on the subject of taxation in *M'Culloch* vs. *Maryland*, 4 Wheaton, at pp. 428 and 431. He there said:

"It is admitted that the power of taxing the people and their property is essential to the very existence of government, and may be legitimately exercised on the objects to which it is applicable to the utmost extent to which the Government may choose to carry it. The only security against abuse of this power is found in the structure of the Government itself. In imposing a tax the legislature acts upon its constituents. This is in general a sufficient security against erroneous and oppressive taxation.

"The people of a State, therefore, give to their Government a right of taxing themselves and their property, and as the exigencies of Government cannot be limited, they prescribe no limits to the exercise of this right, resting confidently on the interest of the legislator, and on the influence of the constituents over their representative, to guard them against its abuse" (p. 428).

. . . . . .

"That the power to tax involves the power to destroy; that the power to destroy may defeat and render useless the power to create . . . are propositions not to be denied. But all inconsistencies are to be reconciled by the magic of the word *confidence*. Taxation, it is said, does not necessarily and unavoidably destroy. To carry it to the excess of destruction would be an abuse, to presume which would banish that confidence which is essential to all government" (p. 431).

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fectly feasible to lay a license tax on individuals doing an interstate business, graduating it according to the amount done. This tax or fee would be in addition to the other requirements prescribed by Congress as conditions for the issuance of a license.

Not only a license fee for the privilege of engaging in interstate commerce, but a graduated income tax has been suggested—the chief burden to be placed upon income derived from investments (taxing it, with the corporations, at its source), as distinguished from earned income, and the whole to be so graduated that the larger incomes shall pay the larger tax. The tax should reach practically all of the people, and thus add to their interest in government. It should begin with small incomes, as small, perhaps, as $300—on which the tax should be comparatively trifling—and should recognize few, if any, exemptions. Substantially all of the shockingly unconscionable exemptions of the last act of 1894 should be abolished. They made of that act almost a scandal. And why should we not have such a tax? It is *perfectly constitutional,* even if it be universally applied, provided it be levied by the rule of apportionment, and be divided among the several States, as in the case of all direct taxes. So the Supreme Court of the United States has declared.

The Constitution provides that:*

"Representatives and direct taxes shall be *apportioned among the several States* which may be included with this Union *according to their respective numbers,* which shall be determined by adding to the whole number of *free persons, including those bound to service for a term of years,* and excluding Indians, not taxed, *three-fifths of all other persons.*"

And that:†

"No capitation or other direct tax shall be laid unless in proportion to the census, or enumeration hereinbefore directed to be taken."

In the interpretation of these clauses, the Supreme Court, not disputing the validity of income taxes in general, merely condemned the last income-tax act of 1894 *because it was not levied by the rule of apportionment.* There has been much misconception on this point. It has been loudly and passionately proclaimed that the courts have declared all income taxes to be unconstitu-

* Article I, Sec. 2, Cl. 3.
† Article I, Sec. 9, Cl. 4.

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tional. Nothing could be more misleading. Income taxes, as such, have always been upheld. This last income-tax law was condemned, because not laid, *in form*, as the Constitution requires.*

It is true that an income tax, as a direct tax, Congress may hesitate to levy, because the rule of apportionment, in accordance

* The Supreme Court of the United States, in passing upon the law of 1894, applied certain ancient and fundamental principles, which, now that both lay and judicial minds are no longer swayed by the passion of the hour, are recognized as fixed and immutable, and the applicability of which is admitted to be beyond the possibility of further debate. There has, however, been much conflict as to the application of certain precedents, but that can have nothing whatever to do with the conclusive effect of the principles applied in this latest case.

The Court merely held that, in respect to both real and personal property, a tax on the income thereof was a direct tax on the property itself; for, if you take of the fruit of the thing, you necessarily take, to that extent, of the thing itself. To lessen the use or the fruits of property, is directly to take a part of its value. As a direct levy upon property, therefore, the tax was held to be a direct tax, like any other property tax, as contradistinguished from a mere indirect tax, in the form of an excise tax, or duty. As a direct tax, it should have been levied by the rule of apportionment prescribed by the Constitution. Congress failed to provide for this *form* of levy, and for that failure of Congress, as to that particular law, it was necessarily held to be unconstitutional—a perfectly natural and proper outcome, which ought never to have excited comment, much less the intemperate, inconsiderate and disgraceful criticism of the judiciary with which we have become familiar. Such criticism, which, even to this day, is still heard, must charitably be assumed to be based on utter ignorance of the points involved and of the meaning of the decision of the Court. Indeed, had the criticism been technically justifiable, the decision having been made by judges whose moral character and whose personal motives and actions were beyond all possible criticism, no such comment should ever have been heard in an Anglo-Saxon community. Judicial action, taken in good faith by an upright judge, should never, under our institutions, be made the subject of general or popular criticism. This absurd criticism of the income-tax decision—frequently heard in high quarters—has simply served to cause needless grief and sorrow among that great majority of our fellow citizens who fondly cherish the justly high and immaculate repute of that greatest of Courts—the mainstay of our institutions—as the most precious possession of our beloved country.

The coldly deliberate and wholly conclusive legal argument (accepted by the majority of the Court), in support of the application of those principles, which really worked this necessary judicial condemnation of the income-tax law of 1894, although constituting the subject-matter of one of Mr. Choate's most brilliant oral arguments before that Court, was, in fact, framed in a brief by that ablest of legal minds at the American Bar, Mr. Charles F. Southmayd, of New York, the long-time partner of Mr. Evarts and Mr. Choate. He is unknown to the public at large, but for years, prior to his retirement from active practice, in 1883–4, his associates and the courts had learned, almost as a habit, to place absolutely implicit confidence in the conclusions formulated in his arguments. It is fitting that some passing note, at least, should be made of his connection with that great case, and of *his complete responsibility for the argument which prevailed.*

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with the rule of representation, under the census, originally designed for the protection of the South as against an undue apportionment, based upon its total slave population, will, in the judgment of the South, due to that same population, now free, bear more heavily, in proportion, upon that section than upon the other sections of the country, and also because the Middle and New England States and the great Middle West will continue to insist that, owing to the accumulations of wealth within their borders, they will be called upon to pay an unfair amount of such tax. Still, if the people really want, and insist upon, an income tax, it will unquestionably be levied and collected. That is the sole test—the people's will and behest. If it be real and expressed, their command will prevail

There is no practical difficulty in apportioning an income tax as a direct tax. The States may pay their quotas, raising the funds therefor as they please; or the Federal Government, such payment failing, may proceed to collect in each State the portion levied therein, in the ordinary manner prescribed for the collection of an income tax.

And, then, an inheritance tax is suggested. And why not that, also? Of both income and inheritance taxes the President has spoken, and no one need be startled by the suggestion. Both are plainly constitutional, and have been sustained by the Supreme Court of the United States—an income tax, even though graduated and levied on all incomes, from all property, provided it be levied by the rule of apportionment, and an inheritance tax, even though graduated and levied upon the transmission of all property, by the rule of progression, so that the larger the estate and the amount of property transferred, the greater will be the tax it shall be made to pay.

These matters have been discussed and are reasonably well understood. But now let us turn to a somewhat new and necessary departure. We may regulate the transmission of wealth, and even its possession, by these latter taxes. How can we, within the four corners of our Constitution, otherwise control its *accumulation?* Let us see. We must reach the individual, the association and the partnership, as well as the corporation, and so work out justice and a "square deal."

The power of Congress to regulate interstate commerce is, in modern interpretation, almost limitless, but we need not go to

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the limit. We have seen that the interstate-commerce license fee is a practical suggestion. It is a franchise tax, and Congress may constitutionally *measure the amount* of the tax or fee in any arbitrary manner, quite at its pleasure. Let Congress combine the essential features of the franchise or license fee with those of a graduated and progressive tax. Let the interstate-commerce license fee be imposed on *all* corporations, individuals, partnerships or associations, and let it be *measured* by the total amount of the *gross sales or gross receipts* in the business of each. At the same time, let the rate of the tax or fee be graduated in accordance with the amount of capital employed, directly or indirectly, in the business, and let the rate advance, in each case, progressively, with the amount of gross sales or receipts, to the end that the small business may not be unduly or unjustly burdened. The tax, in each case, will thus depend entirely on the extent and power of the capital employed and the amount of the business done. While the chief business of the country is interstate, this *measure* of the tax, for the privilege of conducting interstate commerce, should be based upon the total gross sales or receipts *of the entire business, wherever conducted.* No avenue of escape should be left for the elusive capital employed. It should include all capital represented by capital stock, and all borrowed capital represented by bonds, certificates of indebtedness, notes, or any other obligation of the owner of the business. It should include all capital directly or indirectly represented in a common interest or ownership, through stockholding, directly or through others, or allied or subsidiary corporations or concerns, all of whose gross sales or receipts should also be included, in arriving at the total tax upon the real proprietor of the business. In this way the carefully drawn statute would prevent the securing of a lower rate of tax upon the smaller capital of a subsidiary business. The amount of *gross* sales or receipts should be taken, in order to prevent the reduction of the tax by the deduction of padded charges in arriving at so-called net sales or receipts.

This classification, by capital and sales or receipts, is reasonable and proper for the purposes of taxation, and wholly unobjectionable from the standpoint of the Constitution. The precise classification, however, should be just, and not confiscatory, and should be the result of careful and most deliberate investigation and study of the various business interests of the country. Excessive profits from the

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use or abuse of special privileges and public utilities—even of patent rights—may thus be reduced and returned to the public. A just and proper return upon all capital may be, in effect, prescribed and limited by the imposition of this tax, *measured* in these ways, and a control may be exercised over the business of the country and the employment of capital which must satisfy the people.

Through wise and skilful graduation of the tax, it may not only be made possible for the small business to compete with the great aggregations of capital in the same business, but also be made impossible for the great capitalists to compete with the small; for, owing to the lighter burden of the tax, the latter should be enabled constantly to undersell or underbid the former. As a result, the overgrown consolidations would be forced to split up, and we should enter upon *a more healthy era of comparatively small dealers,* the goal toward which the people are now looking. No excessively capitalized business and no so-called overgrown "trusts" could possibly exist for any length of time, and pay a profit, under the burden of such a tax, when properly graduated and laid.

Such a fee or tax would not lead to an increase of prices, with a view of imposing its burden upon the consumer, because the motive therefor is wholly removed by the progressive feature of the tax, since the greater the prices and the returns on gross sales or receipts, the greater will be the tax. Practically speaking, therefore, the burden of such a tax can never be made to fall on the consumer.*

Indeed, it is by no means certain that, apart from an interstate-commerce license fee, Congress might not lay an excise duty on the *business* of *all* dealers and manufacturers, graduated and progressive in amount, and measured by gross sales. Such a tax should be so framed as plainly to constitute an excise or indirect tax, and not a direct tax.

The single expedient of an interstate-commerce license fee may, of course, be accompanied by all of the necessary regulations, in the matter of capitalization, reports, publicity, inspection and visitation, which the wisdom of Congress may devise as requisite to accomplish the result aimed at. That result, pri-

* While this article was in press, the legislature of the State of Texas undertook to pass an extremely radical bill taxing gross receipts.

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marily the regulation of the use, and the prevention of the abuse, of wealth, will thus be brought about without committing the country to any new or untried theories, socialistic, anarchistic or individualistic, and without disturbing the rights of property, or interfering with the course of nature in respect to reasonable consolidation and combination. Then, too, as a scheme of taxation, it will always be perfectly elastic, and easily adjustable at all times to meet changes in conditions, and to remedy any injustice through proportionate inequality of burden or otherwise.

If, without adopting new and untried theories in radical legislation, Congress really wants a remedy for existing conditions, and really and earnestly desires to satisfy a just public demand and to remedy admitted evils bearing sorely upon the people, let it set to work on these simple lines, and all will be well.

As bearing upon this problem of wealth, we cannot overlook the present agitation as to the railroad situation and, generally, as to our public utilities and public-service corporations. Here, again, we are passing through a stage of development. We are aiming toward the general welfare, but that does not necessarily mean immediate public ownership, because, until public men and the people at large have been so trained and educated by the friction of years, perhaps of generations, that the public can be given a service as efficient and economical as that furnished by individuals under the incentive of reasonable private gain, there is no excuse or justification for public ownership and operation, and, from the standpoint of the people's welfare, it falls little short of a crime seriously to advocate it, at this time, as a practical proposition. The people, however, are entitled to assure themselves, by proper regulation, that the service is efficient, and the private profit derived from such utilities is only just and reasonable; and this may effectively be done through skilled and expert commissions. In this way, rates, with other charges and details of operation, may be advantageously regulated and fixed, and, speaking from experience, there is no doubt as to the practical desirability of such regulation. But the regulating body must be highly skilled and very highly paid. We have no *such* commissions or bodies now in existence. Political expediency at present plays too constant a part in their selection. To speak the truth, we are to-day, as a people, perhaps hardly ripe even for proper and effective regulation of this sort. We are still

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immature, and must work out, for a much longer period, the mistakes and experiments of youth. Let it be understood, however, that such commissions are not lawmaking bodies. They are merely executive agencies, to "take care that the laws be faithfully executed," and, as such, are bodies which must be responsible solely to the Chief Executive, and for which he alone must in turn be responsible to the people. A consideration of this legal and logical condition will remove many misconceptions.

In these ways shall wealth be made to bear its proportionate burden, its special opportunities be curbed, and the opportunities of all be more nearly equalized, for thereby the returns from the employment of wealth may be absolutely limited, and its inordinate increase may be satisfactorily controlled. Thus, also, shall the possessors of wealth be secured in their property rights by the conservative good sense of our people, who will then be assured that, at last, wealth is paying to the community what it owes for the privilege of withdrawing its large share from the common stock, and for that protection of its private ownership which the community has been pleased to accord. Such is the reciprocal effect of the imposition and satisfaction of a just obligation.

Again, why not use the national taxing power to regulate evil insurance practices? Neither the interstate commerce nor any other power of the Federal Government, other than the taxing power, can operate directly upon insurance. If, for instance, deferred dividends and tontine insurance, with the abuses resulting from a consequent overgrown surplus, be deemed to be evils, why not tax all companies issuing such policies, prohibitively, through an excise tax? The burden upon the individual policyholder would be only trifling, incidental and temporary, and would be wholly justifiable. With such a tax imposed, competition between the companies would soon regulate the abuses. Or, proceeding indirectly, why not deny access to the Federal Courts and deny the use of the post-offices to insurance companies which shall fail to comply with a Federal insurance law prescribing remedies for such recognized abuses—a perfectly proper use of Federal power?*

It is well settled that, in the exercise of a recognized power,

* Recently, since this was written, it has been elsewhere suggested, but only with a limited application, that use of the post-office be refused. There need be no limit on the effective exercise of that power.

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the motives of Congress for the enactment of the legislation in question are not to be inquired into, and are immaterial. The motive may involve the destruction of the subject-matter, but the legislation must be taken at its constitutional face value. We naturally recall, in that connection, the tax on State bank issues and the oleomargarine tax—both touching on the States' rights and powers most intimately, and both acting, as Congress intended, prohibitively and destructively on the subject-matter.

As to the divorce evil, for example, while exercising great care not to cast a burden upon the judicial power of the States, why not exact from the plaintiff a license fee—not so heavy as to be prohibitive, but sufficient in amount to prevent haphazard and thoughtless action—and also provide, in the exercise of the power (conferred by Article IV, Section 1, of the Constitution) to prescribe the "*effect*" which shall be given to the acts, records and proceedings of the several States, that the decree of divorce shall have *no "effect," and shall be unenforceable,* outside of the State by whose court it was rendered, until the plaintiff shall have paid such Federal license fee, *and unless* the divorce shall have been granted for such causes, and after such a period of residence, and upon such service of process, as Congress shall prescribe, or *unless all other conditions, formulated by Congress, shall have been complied with?*

Will it be said that, in this manner, the Nation will absorb the police power of the States, that, eventually, they may have no part to play in the national drama, and that home rule will become a farce? Hardly so, for the States will always be what, in analogy to town and county governments, well understood by them, the framers of the Constitution intended them to be, that is to say, primarily and ultimately, the instruments for purely local government and for home rule, on a larger scale, in the communities within their several jurisdictions. It is a striking error to assume that the passing of States' rights, as formerly understood, precludes the possibility of self-government or home rule. On the contrary, the future function of the State, as the instrument for home or local government, is fixed and determined. Of course, we must not forget that what was distinctly local, a generation ago, may now be a matter of national concern. That is natural development. The fading away of the ancient States'-rights doctrine (which is really merely the

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elimination of State differences—due to our existing *homogeneity* —in matters affecting the "*general welfare*") has nothing to do with the virile assertion of *State sovereignty,* for the preservation of our dual system is absolutely essential to the proper development of real home rule and of the best national spirit. At the same time, it has always been recognized that even State sovereignty must be sacrificed to the *happiness of the people.**

Time and space will not permit the enlargement of these suggestions as to remedies, but they are capable of almost indefinite extension, for there is no recognizable limit to the national life, and to the legitimate and proper exercise of the national functions *under the Constitution.* It is a *Constitution* of general principles, not an ephemeral statute of infinite detail, under which we live, and, with the growth of the tree, the protecting bark is constantly stretching and accomodating itself to the new conditions.†

These discussions and problems of the moment need not disturb us, for love of country has become our bulwark. We are a *Nation,* not a confederation, and the future is now secure. As with the fathers, so with us. The "stepping-stones of" our "dead selves" reach up to higher spheres of national action. God lives. Let us have faith.

WILLIAM V. ROWE.

* Madison, in the Federalist—Lodge's Ed., page 287—XLV.

† "The Constitution is a written instrument. As such, its meaning does not alter. That which it meant when adopted, it means now. Being a grant of powers to a Government *its language is general, and, as changes come in social and political life, it embraces in its grasp all new conditions which are within the scope of the powers in terms conferred. In other words, while the powers granted do not change, they apply from generation to generation to all things to which they are in their nature applicable.* This in no manner abridges the fact of its changeless nature and meaning."

South Carolina vs. *U. S.,* 199 U. S., at pp. 448–9 (1905).

Due to pardonable misunderstanding on the part of laymen (and misconceptions on the part of lawyers, even) some most enlightened and timely expositions of this settled principle, in its application to present-day conditions and the desirable enlargement of these Federal powers, because making for efficiency, have recently been unjustly and severely criticised on the ground that they suggest something new—a radical executive coercing of constitutional constructions from the Supreme Court, a packing of the Court, etc. On the contrary, they have uttered and applied only this very old thought and principle, in a perfectly legitimate and praiseworthy manner. *Constructions* of the Constitution must always be sought, when *new conditions,* from time to time, demand *new applications* of its *fixed principles.* If there be no principle in the Constitution applicable to such conditions, or if the people desire changes, of course, resort must be had to the power of amendment. No sane man could ever state or think anything else.

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HAYDON.

BY ARTHUR CHRISTOPHER BENSON.

I HAVE just finished reading what I believe to be one of the most tragic books in the history of art and letters—the Autobiography and Journals of B. R. Haydon.* Its tragedy lies in the fact that we have there revealed, in what may be called absolute nudity, the thoughts and struggles of a man of genius and enthusiasm, who lacked the power of adequate expression. Haydon was inspired by a devotion to art that verged on frenzy. He gave up the certainty of a comfortable maintenance for life, when he was almost a boy, by refusing to enter his father's business, in order that he might devote himself wholly to painting. He gave himself to the production of historical pictures on a gigantic scale, and refused to admit of any sort of compromise. The taste of the day was all for portraits and *genre* pictures. Later in life, under the pressure of necessity, he painted portraits and pictures of common life, but only that he might devote himself to his chosen branch of art. For over forty years he carried on an almost incredible struggle with every kind of difficulty. He saw his old companions, such as Wilkie and Jackson, succeed; he was constantly in debt; he was several times imprisoned. He could not sell his pictures, he could not get any one to listen to him. He quarrelled hopelessly with the Academy, and was the victim of constant misrepresentation and malignity. He finally died by his own hand, worn out in the struggle. More than half his days were spent in wandering about from creditor to creditor, begging and borrowing money from every possible quarter. Yet he lived on terms of intimacy with the greatest writers and statesmen of the time. He was the friend and

* "The Life of Benjamin Robert Haydon, Historical Painter, from his Autobiography and Journals, edited and compiled by Tom Taylor, 1853."

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associate of Wordsworth, Lamb, Keats, Walter Scott, Lord Melbourne, Sir Robert Peel, the Duke of Wellington. Indeed, there was hardly a prominent man from whom he did not borrow money, or whom he did not besiege with letters entreating them to encourage high art.

Much of his misfortune was due, no doubt, to his own fault. He was vain, irascible, egotistical, vehement. He could not keep his hands off public controversy. As a young man, being disappointed at the place assigned to one of his first pictures, he abused and vilified the Academy and its methods in unguarded terms. He was extravagant and improvident, and in money matters shamelessly importunate. But, for all that, his devotion to art was of a noble and magnificent quality. He was a deeply religious man, and never began a picture without long and earnest prayer. He was devoted to the work of early Italian painters, and was one of the first to recognize the surpassing merits of the Elgin Marbles. In the presence of great art he was like a man inspired, and the description of the delight he found in his work is deeply stimulating. Yet he effected nothing, and his pictures are practically forgotten. His chief idea was that artists should be employed to decorate great spaces in public buildings with colossal historical paintings; and the nearest he came to effecting anything was when the frescoes in the House of Lords were determined upon. But as a matter of fact, though Haydon did not know it, this decision was due far more to the influence of the Prince Consort than to any national impulse. One of the most tragic moments of Haydon's life was when he sent in designs for the competition for these frescoes, and his pictures were rejected; but he had lost by this time all his earlier force, and he mistook haste for facility. This was perhaps the determining cause of his suicide; he was certainly deranged at the end of his life, and the *post mortem* examination revealed disease of the brain, while his last memoranda, made on the morning of his death, show signs of insanity. Yet the act was in a sense deliberate. He had shown all his life an extraordinary power of recuperation, and of casting off disappointment. His art was to him a source of divine consolation and enjoyment, and when the pressure of difficulties was momentarily removed, he dashed back to his painting like a man inspired.

Thus, on October 1st, 1806, in his twenty-first year, he writes:

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"Setting my palette and taking brush in hand, I knelt down and prayed God to bless my career, to grant me energy to create a new era in art, and to rouse the people and patrons to a just estimate of the moral value of historical painting. . . . I arose with that peculiar calm which in me always accompanies such expressions of deep gratitude, and looking fearlessly at my unblemished canvas, in a species of spasmodic fury I dashed down the first touch. I stopped; and said, 'Now I have begun; never can that last moment be recalled.'"

Some ten years after this he wrote, in his thirtieth year:

"I took again the state of my exchequer into review, and asked myself, shall I paint for money, or by borrowing as I did when engaged on Solomon, keeping my mind in its high key, and go on watching, exciting, and regulating the public mind? The battle about to be fought (I said to myself) is a great battle. I cannot suffer my attention to be turned off."

Sixteen years later he writes, at the age of forty-five:

"July 20th (1831). A quarter to nine. This moment I have conceived my background stronger than ever. I strode about the room imitating the blast of a trumpet,—my cheeks full of blood, and my heart beating with a glorious beat. Oh, who would exchange these moments for a throne?

"'Here is my throne—let kings bow down to it!'

"Now, for my palette—and then, canvas, look sharp!"

Let us hear him seven years later, in 1838, at the age of fifty-two:

"When I come to dinner my dear Mary says I have been a great deal alone. Such a sensation never enters my head. I never feel alone. With visions of ancient heroes, pictures of Christ, principles of ancient Art, humorous subjects, deductions, sarcasms against the Academy, piercing remembrance of my dear children, all crowding upon me, I paint, write, conceive and fall asleep, start up refreshed, eat my lunch with the fierceness of Polyphemus, return to my room, go on till near dinner, walk, dine, read the paper, return to my study, complete what I have been doing, or muse till dusk, then to bed, lamenting my mortality at being fatigued. I never rest, I talk all night in my sleep, start up: I scarce know whether I did not even relish ruin, as a source of increased activity."

And again four years later (1842), within four years from his death:

"July 9th. How delightfully time flies when one paints! Delicious art—the bane and blessing of my life! Painted in delicious and ex-

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quisite misery. A bill due and no money. Went out for it last night, and came home wet, weary and disappointed."

"July 13th. Huzza—Huzza—Huzza; and one cheer more! My cartoon is up, and makes my heart beat, as all large bare spaces do, and ever have done. Difficulties to conquer. Victories to win. Enemies to beat. The nation to please. The honour of England to be kept up.

"Huzza—Huzza—Huzza; and one cheer more!"

It will be seen from these extracts how fiercely the fire of art burnt in the man. The marvel is how, with his debts forever hanging over him, and with the consciousness of failure, perpetually renewed, he kept this spirit active. He was to a certain extent sustained by a prodigious vanity; he talks of his genius, almost without ostentation, as a simply incontestable thing. He speaks naïvely of his intention to put up a brass plate, in one of the studios he had used, to state that there he had painted his picture of Solomon's Judgment. He never seems to have had the slightest misgiving about his ultimate fame. But there can surely be few instances of artists who have prolonged this sort of youthful delirium of enjoyment and enthusiasm to the threshold of age; and even if there have been instances, I know of no one who has described it himself with such gusto.

Yet, egotistical though he was, he was an adoring husband and a tender father. He must have had a real charm of manner and nature, because he seems very seldom to have alienated a friend, even by his inveterate demands for money. His landlord, to whom he owed thousands, treated him with patience, affection, and even reverence; believed in him, lent him money, never quarrelled with him, though Haydon constantly wrote to him with extraordinary offensiveness. He had a way of taking an unfinished picture to a creditor, pointing out its merits, and saying, "There, is it not a pity to prevent that being finished?" which often produced a further loan. The fact is that there was probably something naïve, childlike, and appealing about him, which made others feel in a way responsible for him.

He was, moreover, virtuous, temperate and industrious. He wasted time only over controversy, or books in which he got absorbed, like a child, so that the flight of time and all external impressions were obliterated. He was not convivial or dissolute; he was not a gossip. He lived the quietest of family lives, and he and his wife were as lovers to the end. Perhaps the very days

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when, weary and draggled, he hurried from creditor to money-lender and back again, saved him from overstrain of hand and eye and mind, by substituting one activity for another. Who knows? He certainly kept his health and his spirits in a marvellous fashion. When it is said that it is worry that kills, and not hard work, one thinks of Haydon. A month of days such as he describes in hundreds would have broken the heart of many sensitive men. But Haydon was so penetrated by the thought of his right to live and to be maintained, the greatness of his destiny, and the splendor of his vocation, that he did not suffer, it seems, from scruples about money. It did not appear to press on his mind that he was using the hard-won earnings of the tradesmen he failed to pay. When he was insolvent and had got his discharge, he thought no more of his former debts; his new debts were only to him a species of trial which he must bear with fortitude. No scruples of honor or honesty seem to have troubled him. He did not wish to have his work interrupted; but as long as he was not conscious of extravagance, as long as he considered he was living simply, he seems to have thought that he had a right to be supported, whether the money was obtained by begging or borrowing. There are many schedules of his debts and of his earnings given in the book, from which it is clear that, if he could have lived as many men of small incomes have to live, he could have supported himself. But he seems to have thought that he was entitled to live at the rate of about £800 a year when his earnings averaged about £500; but to reduce his scale of living seems not to have occurred to him. If he had chosen from the first to bestow a part of his time on saleable work, such as portraits or casual commissions, and to devote the rest of his time to idealistic work, he would not only have kept straight pecuniarily, but he would probably have painted better. But when he was once embarked on one of his great pictures, there was nothing he would not do to achieve his end. He would make studies for days together from living models and from antique sculpture; he thought nothing of blotting out a figure over which he had worked for weeks, to put it in a few inches higher. And the absorption in his work was so entire that nothing could distract him. He received the news of his father's death, by letter, while he was painting his picture of Solomon's Judgment, but he was so preoccupied, he says, in painting a head, that, though

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he read the letter, he could not stop until he had finished the head, and not till then did his loss come home to him. Yet he was a man of the deepest and tenderest affections. He describes the death of two of his children with intense emotion. He lost a little girl named Fanny, to whom he was devoted, in her third year:

"My sweet Fanny died. . . . There is now such an intimate connection with me and the grave that I shall never break the chain. I pierce through the earth, the coffin and the lid, and see her lying still and awful. At breakfast, at dinner, at tea, I see her. I look forward to my own death with placid resignation, and only hope God, in His mercy, will not let me suffer much. . . .

"Peace to her little soul—born weakly, but her weakness aggravated by improper treatment; always ill, in a large family, wanting repose and rest and never getting it. What a weakly child suffers from the healthy children! Good God! The teasing, the quizzing, the tyranny, the injustice."

The same week his little boy, Alfred, of whom he was devotedly fond, lay dying too. Yet this extraordinary man could write in his diary:

"24th Oct. Began my picture with dear Alfred's head, who is dying too. I went on painting and crying. There he sat, drooping like a surcharged flower: as I looked at him, I thought what an exquisite subject a dying child would make. There he dozed, beautiful and sickly, his feet, his dear hands, his head, all drooping and dying.

"25th. Rubbed in the dying boy to-day. It will make a most piercing subject."

There is nothing heartless about this, because Haydon was the most loving of fathers. Indeed, he gave the same intense love to his two stepsons, his wife's children by a former husband, that he gave to his own sons, educating them, borrowing money to pay for them, following their careers, manifesting a simple pride in them, and grieving over one of them who died as passionately as if he had been his own child.

Yet the artistic emotion was as strong as the natural affection; and if in the midst of his tears he thought that his dying child would make an affecting subject for a picture, why, it was only a reason the more for loving him and sketching him.

Quite apart from this personal interest, and the self-revelation of these volumes, there is the extraordinary interest of the person-

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alities with whom Haydon came in contact. He observed them with an artist's eye, and he had a knack of picturesque portraiture as well. His description of the Duke of Wellington, with whom he stayed at Walmer, romping with his grandchildren on the ramparts and pelting them, or driving the party to bed by lighting the bed-candles with a prodigious yawn, is a splendid piece of characterization; or the account of Lord Melbourne sitting, discussing art, in his dressing-gown, with his neck bare, and his charming half-mocking, half-affectionate smile, is imperishable. Then, too, there is the description of the famous dinner-party in Haydon's rooms, at which Lamb, Wordsworth and Keats were present, when Lamb declared that Newton had destroyed the poetry of the rainbow by reducing it to prismatic colors, and proposed the toast, "Newton's health and confusion to mathematics!" The party were joined by a respectable comptroller of stamps who wished to see Wordsworth and plied him with questions. "Don't you think, sir, Milton was a great genius?" Lamb was dozing by the fire, half intoxicated, and turning round said, "Pray, sir, did you say Milton was a great genius?" "No, sir," said the comptroller, "I asked Mr. Wordsworth if he were not." Charles Lamb began to sing nursery rhymes, and, taking a candle, said to the poor comptroller, "Sir, will you allow me to look at your phrenological development?" "Charles! my dear Charles!" said Wordsworth. The others got Lamb away, and into the painting-room, where he continued to sing the nursery rhymes, and to ask to be allowed to feel the comptroller's bumps.

But, of all the affecting descriptions, the last sight Haydon had of Sir Walter Scott, who was just on the eve of starting for his last voyage to Italy, is the most pathetic. He was much distressed at the alteration in Scott.

"He said he feared he had occasionally done too much at a time, as we all do. . . . After a quarter of an hour I took my leave, and as I arose he got up, took his stick, with that sidelong look of his, and then burst forth that beautiful smile of heart and feeling, geniality of soul, manly courage and tenderness of mien, which neither sculptor nor painter has ever touched. It was the smile of a superior creature, who would have gathered humanity under the shelter of its wings, and while he was amused at its follies, would have saved it from sorrow and sheltered it from pain. Perhaps it may be the last time I am ever to see him, as he sails in a day or two; and if it be, I shall rejoice that this was the last impression."

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The man who writes thus is not a mere artist or a mere observer, but a true hero-worshipper, with a desirous glance that pierces into the soul.

But there falls upon us a melancholy shadow of reflection. If the result of Haydon's life of wild enthusiasm, of wrestling with difficulties, of fervent prayer, of solemn, abstracted, secluded visions, had been to produce some imperishable pictures, how we should have glowed and luxuriated over the record! How often we should have said, "Here we can look into the very fiery furnace of genius, and see the forms that walk there, see the divine visitant attend upon shrinking humanity!" How unquestionably should we have attributed the result to the process, the beauty of conception to the fine reverie, the finished technique to the indefatigable patience! How preachers and lecturers would have bidden us to observe the unflagging hand, the uplifted heart, the almost intolerable glow of genius! And yet the truth is that we have every manifestation of genius here except the great result; we have all the rapture, all the perseverance, all the self-consolation, all the indomitable courage; and yet there were half a dozen artists of the day, painting tranquilly and indifferently, whose pictures are not only better known, but actually finer, more inspiring, more beautiful than Haydon's. Take the fashionable sociable life of Lawrence; almost the only thing he had in common with Haydon was his inability to manage money. Take the tranquil, kindly, comfortable life of Reynolds, always the same, as Johnson said, perfectly equable in spirit and benevolent in mind. Take the sordid, ugly, laborious, mean, suspicious life of Turner, and compare these with Haydon's exaltations and raptures. Of course, it may be said that perhaps Turner and Reynolds did not say what they felt, while Haydon had the art of expression, the egotistical need for self-revelation. But we have no reason to suspect Reynolds or Turner of these joyful visions, and we can hardly believe that some hint of it would not have escaped them if they had been there.

And here lies the supreme sadness of this record. The life of Haydon is the record of a man of real genius, who joined to an intense and absorbing enthusiasm for art, a delight in detailed labor, a patience, a tenacity, a courage and a tenderness that deserved the highest rewards. Yet he received little but discouragement,

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sordid trials, contempt, derision, malignity. His consolations were his art and his friends; and it is curious to note that, though his conduct is singularly wanting in many of the qualities that earn respect, he seems to have won and retained the respect and admiration of his friends in a singular degree. Yet with all this devotion to art he achieved very little. His pictures are melodramatic, distorted, disjointed, unequal. Hundreds of artists, without a tenth of Haydon's enthusiasm and tenacity, have attained and deserved success by a certain dexterity of hand. Men of mean, petty, ungenerous and spiteful character have had the power, through their skill in arousing the emotions of their admirers, to a degree that Haydon never attained. Haydon's art was the imperfect expression of a character which, with all its patent faults, had yet something divinely inspired about it. And yet artists who have had no sort of depth of inspiration, no particular tenacity of character, no passionate quality of soul, have contrived to do the very thing that Haydon agonized to do and failed to achieve. The story has a hard and a sad moral, which seems to be that no amount of enthusiasm, no amount of sedulous or strenuous practice, can ever make up for the absence of a certain instinctive knack of presentment. Given this knack of presentment, intellectual force, enthusiasm, zest, patience all tell; but, without it, all these qualities can effect nothing. For want of it, Haydon has no permanent place in the hierarchy of art. Yet, on the other side, this very deficiency lends a touch of pathos and romance to a figure of a man who coveted not only renown, but the opportunity of exercising the noblest and purest influence. The soul-history of Haydon restores the balance, by teaching us not to be too much dazzled by the rewards of art. We are apt to think of the great artist as the benefactor of the human race, and of the unsuccessful artist as a poor dilettante creature who might better have confined himself to some humble and useful pursuit. But, after all, for each human being it is the quest, and the spirit in which the quest is pursued, that matter. When we have subtracted Haydon's gross and patent faults, his vanity, his intemperate vehemence, his inconsiderateness, his pettiness, there remains a very august figure, penetrated with glowing enthusiasm, throbbing from head to foot with divine emotion. Take away from Haydon's life his bitter days of trudging about from creditor to creditor, from prison to pawnshop, there remains an

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amount, a quality, of happiness such as falls to the lot of but few of us. We may remember the sonnet, prophetic almost in character, which Wordsworth wrote for Haydon's encouragement some thirty years before the sad ending:

"And oh, when nature sinks, as oft she may,
Through long-liv'd pressure of obscure distress,
Still to be strenuous for the bright reward,
And in the soul admit of no decay,
Brook no continuance of weak-mindedness,—
Great is the glory, for the strife is hard."

ARTHUR CHRISTOPHER BENSON.

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MILK: A REMARKABLE FOOD.

BY HENRY DWIGHT CHAPIN, M.D.

PERHAPS there is no article of diet with which every one is so familiar as milk, and about which so little is generally known. If the question, "What is there peculiar about milk as a food?" were asked, most persons would reply, "It is a liquid food furnished by Nature for young animals," and they would feel that the question had been answered properly. But to the inquiring mind there arise the questions, "Why is milk furnished by the mother?" and, "What is there about it that makes it suitable for young animals?" And the answers to these questions must be known before any intelligent idea of the properties of milk can be had.

Up to within a few years it was customary to regard anatomy and physiology as two distinct branches of knowledge, which were to be studied separately; but at last it dawned upon students that the structure of an animal, an organ or the composition of certain animal secretions is constituted to enable them to perform special functions to the best advantage, and that structure and function should always be studied together.

For many years the anatomy of milk, or its composition alone, was studied, and all that was discovered of a practical nature was that milk contains the elements needed for the formation of blood, muscle and bone, and that a portion of the milk would form curds either in the stomach or when kept long enough for it to sour.

These facts had been known for ages to practical observers who had had no special training, and really added nothing of value to the sum of human knowledge. But about four years ago it was suggested that possibly the curding of milk in the

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stomach might serve a useful purpose in digestion, and the fact that milk formed curds might be one of the reasons for its being furnished to young animals. In other words, there was applied to the study of milk the principle that its composition and function should be considered together, and it is safe to say that, as a result, more has been learned about milk of practical value in infant-feeding in the last three or four years than in several centuries previous.

To-day we have an entirely different conception of milk as a food than was held by the leading authorities five years ago, and what was mysterious and unfathomable then is as clear as day now.

Almost every one knows that if a hen's egg is kept under suitable conditions for about three weeks, a fully formed and developed chick will emerge from the shell, but when a fresh egg is opened no sign of an organism is present. However, at one side of the yolk is a minute cell which contains the vital principle of the future fowl; and, strange as it may seem, this cell begins to eat the contents of the egg-shell and transforms them into tissues of the chick. This process may be watched by holding the egg to the light, when the developing of the chick may be followed from hour to hour. When the chick comes out of the shell, it is not dependent on its parent's body for food, but is capable of picking up worms and seeds and digesting them. It will be noticed that the hen supplies enough material in an egg to produce a fully formed progeny, and the chick is not started out in life with imperfectly formed organs. It will be further noticed that no young animal is independent of the mother until its digestive organs are developed.

Now, some birds when hatched are not as well developed as chicks, and the parents secure suitable food and bring it to their young as robins are often seen doing. In Australia is found the peculiar animal called the Duck Bill, which looks like a combination of a bird and an animal. This Duck Bill lays eggs with a lime shell like a bird and incubates them in a nest. When the young are hatched they are in an imperfectly developed condition, but instead of securing food for its young, as many birds do, the Duck Bill suckles them. In another form of animal, the Spiny Anteater, the egg is laid and hatched in an abdominal pouch, and the young is suckled in this pouch. With the

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Kangaroo the egg is not laid at all, but is hatched inside the mother's body, and the young is then born and placed in an abdominal pouch, where it grows fast to a nipple, the mother ejecting milk or some suitable fluid into its digestive organs, until it is able to suckle, when its mouth ceases to be attached to the nipple. Soon the young animal thrusts its head out of the pouch and begins to nibble grass, and when it is capable of subsisting on such food it leaves the pouch and the milk secretion fails.

In the case of a chick, the young never derives any nourishment directly from its mother's body, all of the food needed for its development being secreted by her at one time; while in the case of a kangaroo very little of the food needed for its growth is supplied in the form of an egg, almost all being derived from the mother's nipple, a little at a time. Here is seen the highest development of the mammary function, and from the fact that the mouth of the young grows fast to the mother's nipple it will not be difficult to conclude that Nature did not intend any other food than that supplied by the mother to go into the young animal's stomach, and that no other form of food is entirely suitable.

In a hen's egg only one form of food is supplied to the developing chick, but during the period of a calf's life, before weaning, the cow supplies nourishment in at least five different forms to suit different stages of the calf's development. Milk is the last of the five special forms of food supplied by Nature for developing animals.

Structure and Function of Milk.—When milk is allowed to stand undisturbed, a layer of cream appears on the top, which is composed largely of butter or fat. When milk sours, a solid mass or curd forms; this curd is similar to lean meat in composition. A thin, watery liquid separates from the curd, and in it are dissolved a peculiar kind of sugar, a substance somewhat like white of egg, and some mineral matter. A chemical analysis of milk consists in determining the quantity of each of these component parts of milk.

The portion of the milk that forms curds serves to build blood and tissue; the mineral matter solidifies the bones, while the fat and sugar are used to supply fuel to maintain heat and the energy needed to carry on the vital processes. A chemical an-

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alysis shows all foods that can support life to contain the same food elements, although they may differ markedly in appearance and taste. From a food chemist's standpoint there is no difference between a beefsteak, a pork chop and the curd of milk. Each is composed of the substance called proteid, required for tissue-building, and it is this ingredient that such a food analysis shows.

Placing too much value on a food analysis may lead to erroneous and often absurd conclusions, and it is now recognized by the leading investigators of the problems of animal nutrition that a food analysis is useful principally for showing whether or not a material contains the elementary food substances, and in what proportions. The *suitability* of the material as a food can only be determined by feeding experiments with various animals. It may suit one species and be wholly unfitted for another kind of animal. As an example of how misleading a chemical analysis by itself may be, it can be shown that a sandwich and a glass of water may have identically the same composition as a glass of milk.

It might be true that they were identical in nutritive value, but it would be absurd to conclude that therefore they were interchangeable as foods; but many similar conclusions have been drawn concerning milk which will have to be eradicated from the popular mind and also from many medical teachers' minds. A revolution among the medical profession concerning the milk question is now taking place.

There are few who do not know that pepsin is secreted by the stomach for the purpose of digesting meat and similar foods. When pepsin is added to cow's milk it does not commence to digest it, but changes it into a solid jelly. The gastric secretion of the adult is acid, like vinegar, and when this acid comes in contact with the jelly formed from the milk by pepsin, it causes a remarkable change to take place; the jelly begins to shrink and become tough and fibrous like the breast of chicken. In other words, the digestive secretions change milk into a solid food in the stomach, pepsin alone making a jelly, and pepsin and acid—the gastric secretion of the adult—changing it into a decidedly solid food.

The dessert junket is milk to which rennet, which contains pepsin, is added. Every cook knows how tough the junket be-

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comes if the milk is slightly soured when used, and the toughening effect of acid can be readily shown by adding a little vinegar after the milk has "set."

Now, when most young animals are born their digestive organs are not developed, and while they are developing Nature supplies two different kinds of nourishment. Milk is not secreted by the mother until a few days after birth, another food—colostrum—being supplied at first. The first digestive secretion to appear in the stomach is pepsin, and when milk reaches the stomach it is converted into soft jelly, which is passed along into the intestines to be digested there, as pepsin does not digest food unless acid is present. As the stomach becomes stronger and begins to secrete acid as well as pepsin, the food becomes a little more solid and the stomach does more work; this increase of work continues as the stomach becomes stronger and really develops the stomach, for it has been found that young animals whose food does not furnish the suitable kind of work for the stomach do not thrive and develop, and that they suffer from obscure diseases, which are cured by furnishing the food that keeps the stomach properly occupied.

To state the matter in a few words, milk is a food peculiarly suited to the digestive organs *while they are developing,* and is so constituted that the digestive secretions can change it into a solid food, which is very soft when the digestive juices are weak, but becomes more solid as they become stronger.

Milks of Different Species.—If all young animals grew with the same degree of rapidity and all had the same kind of digestive organs, there would probably be but one kind of milk; but, as it is, there are many kinds, each peculiarly suited to the needs of the animal for which it was intended. Chemical analysis shows that animals whose growth is rapid are supplied with milk rich in tissue-building elements, while the milk supplied to animals whose growth is slower contains much less of the tissue-building food. Again, when pepsin and acid are added to the different kinds of milk, the solids formed from the milk are not alike. The milk of animals who chew their food thoroughly forms a finely divided mass, while milk supplied by animals whose stomachs are adapted for coarse, fibrous food forms a solid mass. The differences between human milk and cow's milk in this respect are very great, and few physicians to-day think

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of feeding cow's milk to young infants without modifying it so that it will not form an indigestible mass in the infant's stomach. There are quite a number of ways of doing this, no one of which is suitable for every case, and the skill of the physician is often taxed to the utmost to find the one that is adapted to a given infant.

When weaning occurs, one kind of animal is capable of digesting meat, another grass, and another a mixed diet, and each of these types of animals has distinctive kinds of digestive organs which have been developed *by the mother's milk*. As the foods of the weaned animals are not interchangeable, it is not surprising that the mothers' milks are not interchangeable. It would be strange if they were.

At one time it was widely believed in the United States that cow's milk could be changed into human milk by a simple process, and this will be found taught in many medical books even to-day. But since the newer method of studying milk has been followed, it has been found that the process supposed to change cow's milk into human milk by the adding of alkalis had no such effect, but acted by preventing the action of the pepsin and acid of the stomach on the milk and throwing the milk in a fluid condition into the intestines. While it cannot be proved that this method of manipulating the food of infants has impaired their digestive capacity, the question has been raised as to whether the inability of modern infants to digest table food as early as the infants of a few years past is not due to this continuous prevention of stomach digestion. It is well worth pondering, and already there is a tendency among physicians to avoid the prevention of stomach digestion of milk by artificially fed infants as a routine practice, and to confine this practice to infants whose stomachs are disordered.

New View-point of Infant-feeding.—To-day it is believed by leading authorities that fresh cow's milk should be the basis of an artificial food for infants, not because it is more nutritive than many other foods, for it is not, but because of its being the only available nutritive material that will form a solid food of varying degrees of digestibility when acted upon by the secretions of the developing stomach. While human milk, which normally adapts itself to the infant's stomach, cannot be made from cow's milk, still, by careful watching and manipulating, the food can

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be adjusted to the stomach and a well-developed digestive apparatus can be produced.

By having food contain about the same quantities of the basic food elements as are found in human milk, proper growth and nutrition are insured and a well-rounded-out child is the result.

When once the value of milk as a food for infants is appreciated, it will not be difficult to grasp the importance of a supply of good, fresh milk. It does not necessarily follow that milk six or eight hours old is really fresher and better than milk thirty-six hours old. It may be in a worse condition, for all depends upon how the milk is handled.

Milk, as it leaves the cow's udder, contains bacteria. If the cow is dirty or there is loose hay around, dust from the cow's body and the hay settles in the milk-pail, and this dust is swarming with bacteria. As soon as they reach the warm milk they commence to multiply, and in a few hours they may have increased until there are millions to the teaspoonful of milk. It is these bacteria that cause milk to sour, but most of them are not only harmless but positively beneficial. According to Professor Conn, half a teaspoonful of cream which was sour enough to be churned for butter-making contained 1,300,000,000 bacteria. If bacteria were as harmful as some imagine, no one would be alive, for who has not drunk buttermilk or eaten cottage-cheese made from sour milk which contains so many bacteria that few could grasp the numbers contained in a pint of it.

The bacteria are plants belonging to the same class as yeast and mushrooms. No one is afraid to use yeast in bread-making, or to eat mushrooms, so no one should be afraid to drink milk simply because it contains similar vegetable forms. Sometimes poisonous bacteria get into milk, but the cases of poisoning resulting are, comparatively speaking, rare, and no one need give up drinking milk on this account.

Whatever danger there may be attending the use of milk may be greatly lessened by care. If the cows and their surroundings are kept clean, the number of bacteria that get into the milk will be greatly lessened, and by cooling the milk to below forty-five degrees Fahr. and keeping it cool the multiplication of bacteria is prevented. Milk kept cool for a week may be in much better condition than milk ten hours old that has been kept at body temperature. At the Paris Exposition in 1900, milk shipped

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from Illinois, New York and New Jersey was in better condition than the fresh milk of Paris a day old. All of the French milk soured the second or third day, and it was hard to convince the European experts that nothing was done to make the American milks keep except to exercise extra cleanliness in their production and subject them to low temperature, as they were not familiar with icing milk.

Pasteurization of Milk.—In Europe, milk is heated to kill the bacteria. Heating the milk to 212 degrees Fahr. (boiling it) is called sterilizing, and heating to about 170 degrees Fahr, for twenty minutes is called Pasteurizing. These processes are employed abroad largely because ice is not used to any extent. Five years ago the writer found that Paris used about 65,000 tons of ice a year, London 160,000 tons, while New York consumed about 3,000,000 tons; so it will be seen that conditions differ widely in these cities, and the arguments for Pasteurization that apply to Europe are not altogether applicable to America.

If Pasteurization made milk a perfectly safe food and had no drawbacks, it would be adopted everywhere. But it kills most of the harmless bacteria and leaves a free field to some of the worst forms, which are often killed off by the harmless kinds. This is often seen when unsweetened, canned condensed milk is used. If the can is left open in a warm place it does not sour, but putrefies and becomes like tainted meat, which is often intensely poisonous. Pasteurized milk should be kept cool, or it will soon be swarming with bacteria which are likely to be more harmful than the bacteria of unheated milk.

It is claimed by some that the germs of consumption, diphtheria, scarlet fever and typhoid fever are often carried by milk, and that these would be killed if all milk were Pasteurized. There can be no doubt that this occasionally happens, but it is known that these diseases are not spread exclusively by milk. Consumption among human beings is decreasing where the modern method of treatment is employed, and this consists of giving the patient a large number of raw eggs and several quarts of *raw milk* each day, and plenty of fresh air. If the milk were all Pasteurized and sold as at present, dipped out of cans, it could be readily reinfected by flies, dust, contaminated water and the hands of the milk-dealers; so unless the milk were put up in sealed bottles, which were kept cool until opened by the consumer, no real test of the effects

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of Pasteurization could be made. All of this costs money and many will not, or cannot, pay advanced prices for milk. If they could, it would not be difficult to secure milk of undoubted wholesomeness that was produced under medical supervision, which renders Pasteurization unnecessary. The whole question of a safe milk-supply in most American cities and towns rests on a willingness to pay for the increased amount of care necessary to produce it.

It is often pointed out that the distribution of Pasteurized milk among the poor of New York City has reduced the death-rate among infants, but it should be remembered that this milk is not plain cow's milk that has been heated, but Pasteurized modified milk put up in nursing-bottles ready for use and kept on ice until distributed. Any one who has not practised medicine among the poor in the cities cannot appreciate the gross ignorance and carelessness shown in the feeding of infants, and how nearly hopeless it is to try to have food properly prepared and cared for among this class of patients, and what a boon it is to be able to have them obtain milk already prepared.

Is the high death-rate among children due entirely or largely to the milk-supply? This is a question the writer has tried hard to answer for his own satisfaction. Statistics may be a form of lies, as it is said they often are, but we all have to use them. In the portion of New York State outside of Greater New York and its suburbs, there were, according to the figures of the New York State Board of Health, 2,727 deaths from acute diarrheal disease from May 1 to November 1, 1895, most of which were among children. In Greater New York and suburbs there were 5,559 deaths from the same cause. In the year 1896 there were 3,039 deaths in the country districts, an increase of 312; and in Greater New York and suburbs 4,908, a decrease of 651 during the same period. If the milk carried the infection, and this came from the country districts, as New York imports most of its milk, and was older when used in the city and presumably in worse condition than when used in the country districts, there ought to have been a marked increase of deaths in New York City. But here is an example of increase of deaths in the country and decrease in the city from the same disease.

In other years the deaths in the city and country increase or

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decrease together, or one remains stationary, while the other varies. In the summer of 1900 there were 1,015 more deaths from acute diarrheal disease in the country districts than in 1899, an increase of nearly fifty per cent., while in Greater New York and suburbs there were only 310 more deaths than in 1899, an increase of only about eight per cent. In 1901, during the same period, there were 1,304 less deaths in the country districts than in 1900, a decrease of forty-seven per cent., while in Greater New York and suburbs there were 2,248 more deaths than in 1900, an increase of fifty-eight per cent. This was the summer in which New York was torn up from one end to the other tc build the subway, when sewers were opened and filth and dust were everywhere. It is well known that dust and filth are the great sources of disease, and it is certainly at least suggestive that they, and not the milk-supply, caused the great increase of death from diarrheal diseases in New York during the summer of 1900.

I have tried to give a fair statement of the facts concerning milk, looking at the subject from all standpoints, so that the reader can do some thinking on his own account and draw his own conclusions, and not be forced to choose between the opinions of different authorities scattered over the entire world where conditions are often totally different. The opinions of authorities have been known to change, and it is to be feared that there are fashions in authorities as well as in clothes.

There is one point on which all right-thinking persons will agree, and that is that the milk-supply should be above suspicion. But if the general public will not voluntarily buy the purest, cleanest milk when it is offered to them, will they vote to have laws passed compelling themselves to buy it, by forbidding the sale of any other kind of milk? The price of milk will have to go up if a cleaner milk is to be sold, for the margin of profit to the farmer now is so small that it does not obtrude itself upon his attention, and cleaner and more sanitary milk means expenditure of labor, and this costs money.

HENRY DWIGHT CHAPIN.

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THE HOPE OF THE PHILIPPINES.

BY MAJOR LOUIS LIVINGSTON SEAMAN, LATE SURGEON UNITED STATES VOLUNTEERS.

As colonizers, in the practical acceptation of the word, Americans are not and never can be successful, because of the excessive idealism of their aspirations. Despite the general belief that the acquisition of the Almighty Dollar is the height of our ambition as a people, the aims of all American military expeditions, throughout our entire history, have been absolutely altruistic—always for the elevation of the downtrodden or the relief of the victims of tyranny. We have constantly endeavored to create self-respecting, self-supporting citizens, capable of appreciating liberty and of intelligently exercising that greatest of all blessings, self-government.

Can history furnish a parallel to America's disinterested emancipation of Cuba from Spain? It involved a war with a European Power, the loss of the lives of thousands of her free-born citizens, and the expenditure, with unexampled prodigality, of a round billion from her treasury. Then, after stamping out tyranny, she completed the conquest by putting the island in sanitary condition and transferring it to a liberated people, giving them their lands, their cities and their homes, together with a promise of protection from other Powers through the Monroe Doctrine, without saddling the country with a financial claim of indemnity for a single cent. Would this have been the policy of the other great colonizing countries of the world? The recent action of the so-called "Powers" in Africa does not tend to indicate that it would. Since the wonderful discoveries of Livingstone, which so greatly stimulated the world's appreciation of the possibilities of that continent, there has been going on in that vast domain a carnival of territorial lust unprecedented in history. It cul-

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minated some twenty years ago in the so-called partitioning of the continent by the Powers, who, in their division of the spoils, followed, like the robber barons of feudal times,

> "The good old rule, the simple plan,
> That they should take who have the power,
> And they should keep who can."

And what has been done there in the name of civilization to justify this robbery of a continent? Very little, beyond the systematized collection of taxes so onerous as to practically reduce the natives to abject servitude.

A similar spoliation, on a somewhat smaller scale, would have occurred in the Celestial Empire after the Boxer war had not the diplomacy of Europe been defeated there. The allied armies of eight nations were there waiting, watching each other like hungry buzzards, for the final dissolution of the sick man of the Far East, when they thought another opportunity would offer for an extension of their territorial spheres. But the humane and enlightened policy of Mr. Hay, demanding the preservation of the integrity of China and the maintenance of the open door, was successful, and the people of that unhappy land were rescued from the fate of the helpless, and almost hopeless, Africans of to-day. And let it never be forgotten they were rescued by America.

On the occasion of a second and recent outbreak in Cuba, when internal dissensions disturbed the peace and order of that country and necessitated its occupation by an army of intervention, America did not take advantage of the opportunity to seize that gem of the Antilles to make it a tributary to her treasury.

Nor did we seek the Philippines for territorial aggrandizement. They fell to us as the unexpected, but legitimate, result of war, and when they were definitely ceded to us by treaty we paid for them with clean American gold. Twice I have visited these islands, once as an active participant in the wretched war that began in 1898, and which is likely to continue intermittingly for centuries—if the testimony of almost every army officer who has served there can be accepted — if we remain there so long. But since our occupation of the archipelago, the real motive of America in administering its affairs has been absolutely unselfish. Of the hundreds of millions sunk in that region of treachery

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and savagery it is doubtful whether America will ever reap the benefit of so much as the price of the homeward passage for its army.

Was it as a stepping-stone for the trade of the Orient that we retained possession of the Philippines? The oldest and most respected American merchant in China, one who has spent forty years in the Orient and has represented his Government in various important capacities, said to me while discussing this point:

"As well might America regard the Bermudas or the Canary Isles as stepping-stones for the English, French or German trade of Europe, as require the Philippines for the advancement of trade in the East. Instead of a help they are a direct menace, requiring protection and provoking international jealousies; and, in case of war, they would be a constant source of the gravest danger because of their great distance from our base."

Is it for the financial advantage of the United States that our thousand school-teachers are now drawing salaries in the attempt to educate these semi-savage, deceitful Malays, tainted with Spanish cross, who for centuries will be unable to eradicate the treacherous and cowardly instincts of their race? "By the same path must ye walk" is as true to-day as it was two thousand years ago. The continuity of history cannot be broken; a people cannot break with its past; immemorial heredity must be remembered. To suppose that from the low-bred Filipino there could be evolved in a single generation one worthy or competent to exercise self-government, is to ignore every law of anthropology and natural selection, and to indulge in the wildest optimism. Is it possible to believe that such a creature, the natural product of his tropical environment—whose evolution has taken ages in the development of the instincts of cunning and treachery, the characteristics and qualities that have enabled him to preserve his existence in the land of the tiger and the viper—could be suddenly translated into a self-governing citizen? The Anglo-Saxon of temperate clime has required many centuries of natural selection to evolve from his savagery. As the cave-man, he too was full of ferocity, guarding his home and his family with his life. Evolving from the dark ages through feudal days assisted by the teaching and traditions of the Church, the example of Greece and Rome and the Free Cities of Europe, profiting by the lessons of the Reformation, the influence of the thought of great leaders, by long wars

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for the vindication of right, by Magna Charta, the printing-press, the drama, the French Revolution, and our own Revolution; through all these things he gradually developed from ignorance and superstition into a thinking, self-governing man. But in this development it required a thousand years to free him from his ignorance and moral serfdom, and to prepare him to rule himself. Is the African or Malay savage so infinitely the intellectual and moral superior of the Caucasian, that he can emerge from his savagery into this sphere of civilization, and attain this rich inheritance, in a single decade? Is this self-governing ability (which is not yet overdeveloped among ourselves, as the resident of any great American city must confess) to be hypodermically injected in concentrated essence into the ignorant, treacherous, low-bred Filipino, by bullets, or prayer-books, or school-houses, in a generation, so as to qualify him for beneficent assimilation? The suggestion is preposterous.

I believe the most practical solution of the Philippine problem—if the American people are foolish enough to continue their extravagant experiment there, or if we are not relieved of the responsibility of the islands by neutralizing them, or through some foreign complication—is to allow them to follow the course of natural selection through the importation of the Chinaman. His exclusion from these islands was a diplomatic blunder, comparable only with the treatment of the Oriental on our Pacific coast at the instigation of the Sand-lot orators, the charlatan politicians, and the yellow journalism of California. When I was last in the Philippines there were about one hundred thousand Chinese there, who formed by far the most industrious class of the inhabitants. The Chinese *mestizo* (half Chinese and half Filipino) is acknowledged to be superior to the Eurasian, or *mestizo* of Occidental cross—as well as to the Japanese, Hindu, or Bornean. Many of them were wealthy bankers or merchants. Others were engaged as compradors or clerks, banking-houses employing them almost to the exclusion of other nationalities on account of their quick wit, sterling honesty, industry, and individual merit. As in the Hawaiian Islands, they formed the most valuable element of the population. The Chinese-Hawaiian half-caste is the keenest business man and the most industrious citizen to be found in those islands. The exclusion of the Chinese laborer from the Philippines will do inestimable damage by retarding

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industrial and commercial development. Despite his fanaticism when directed by ignorant rulers, he has shown his superiority over other Orientals in his untiring industry, his domesticity and his honesty. In the large foreign hongs, or business houses, of China and Japan he is the trusted employee in places requiring responsibility. When put in competition with the Bornean, the Filipino, the Cingalese, the Hawaiian, the Japanese, or the Hindu, he invariably wins, as may be seen by his rise from poverty to wealth and influence in the cities of Singapore, Calcutta, Sandakan, Manila, Honolulu or Yokohama. It is time America recognized that, in the great race of civilization, and the greater race for the survival of the fittest, the nation that has preserved the integrity of its government for over six thousand years, that has witnessed the rise and fall of the civilizations of Chaldea, Egypt, Greece and Rome, that can claim the discovery of the compass, of gunpowder, the game of chess, and the printing-press, and that gave birth to that great philosopher who, five hundred years before the coming of Christ, propounded and exemplified the doctrine, Do not do unto others what you would not have others do unto you, is more to be feared for its virtues than for its vices. The presence of the Chinaman in the Philippines—with the substitution of his characteristics of honesty, domesticity and industry, for the dishonesty, laziness and treachery of the Filipino—will do more to promote the industrial development and the civilization of these islands than any other factor, and the sooner America appreciates this fact and acts upon it, the more prompt will be her relief from her present embarrassing position.

Uncle Sam has paid, and is paying dearly, for his experiment and the privilege of protecting the trade of his distant possessions for the benefit of England, Germany and Japan. Some day he will tire of the constant drain on his treasury and his army, and remove these islands from the arena of politics, and the natural law of evolution will prevail—and many there are who will welcome the coming of that day.

LOUIS LIVINGSTON SEAMAN.

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THE REFERENDUM AND INITIATIVE IN SWITZERLAND.

BY M. W. HAZELTINE.

When Mr. William J. Bryan declared that the Referendum and Initiative must hereafter be made cardinal features of the Democratic programme, he proposed nothing new, so far as the former institution is concerned, and, therefore, he must have contemplated a signal extension of the principle. It is well known that our Federal Constitution did not become operative until it had been referred to and ratified by conventions in nine of the thirteen States, and its fifth article provides that all amendments, in order to become valid, must be ratified by the Legislatures or by Conventions in three-fourths of the States. Similar provisions for popular sanction of constitutional amendments exist in our State Constitutions. In the previously mentioned article of our Federal organic law, there is even a suggestion of the Initiative, for it is enacted that, on the application of the Legislatures of two-thirds of the States, Congress "shall" call a convention for proposing amendments. Mr. Bryan has not told us in detail to how much larger an extent he would have the two institutions adopted in our Federal and State systems of government, but we presume that he has in mind the existing state of things in Switzerland, where, in both the Confederation and the Cantons the Referendum and Initiative are operative. It becomes interesting, therefore, to learn precisely what the Swiss forms of these institutions are, and how they work. The examination is likely to prove the more instructive because, in some respects, the Swiss dual system of Federal and State government is very similar to our own. Many Swiss books deal with the matter, and, among the American authorities on the subject, may be mentioned McCracken's "Swiss Solution of American Problems," and espe-

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cially Mr. A. Lawrence Lowell's "Governments and Parties in Continental Europe." The last-named writer devotes upwards of 150 pages of his second volume to Switzerland, and to him all students of Swiss institutions are deeply indebted.

I.

It is obvious that the fundamental purpose of the Referendum and the Initiative is to qualify representative government by the occasional participation of the whole body of voters in the Confederation, or in a Canton, in legislation. It is natural that the desire for such qualifying institutions should show itself in Switzerland, which still presents in some of its Cantons examples of pure democracy. We refer to the Cantons of Ury, Glarus, the two Unterwaldens and the two Appenzells, where laws or amendments of the Cantonal Constitutions are made in the so-called Landsgemeinde, or mass-meetings of all the citizens, which may be likened to the primitive Teutonic folk-mote, or to the New England town meeting. Each of the other Cantons—there are twenty-two Cantons in the Swiss Confederation, or, if we take account of the half-Cantons into which three are split, we should say twenty-five—has a single legislative chamber, usually known as the Great Council, which is elected by universal suffrage, and in all but a couple of Cantons is chosen for three or four years. There is also a much smaller Executive Council elected for the same term. The whole legislative power in a Canton is vested in the Great Council, whose acts, as a rule, the Executive has no power to veto, and the judiciary has no power to set aside. There exists, therefore, none of the checks to hasty lawmaking with which we are familiar in America. Consequently, the Swiss dread the possible tyranny of the Cantonal Great Council, and have contrived various modes of controlling it. One of these is proportional representation; and the others, with which we are here specially concerned, may be collectively described as application of the Initiative and Referendum. For instance, in seven of the ten German Cantons, a certain number of citizens, varying in the different Cantons from one to twelve thousand, may require a popular vote on the question whether the Great Council shall be dissolved. If a majority of the votes cast is in the affirmative, the term of the Council comes to an end and a new election is held. Another method of getting rid of a Great Council which is

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occasionally tried is that of revising the Constitution, for in almost all the Cantons the question of revision must be submitted to popular vote on the request of a certain number of citizens. Recourse to this expedient is made much less frequently than it used to be, owing to the general introduction of the Referendum, or popular veto upon laws. Let us turn, therefore, to an inspection of the Federal and Cantonal Referendum, that institution of Switzerland which has attracted the greatest attention.

For the date of the earliest form of the Federal Referendum we must go back many centuries, to the rude confederacy formed to resist the encroachments of the House of Hapsburg upon local autonomy. The delegates to the Federal Diet were not empowered to agree to a final settlement of matters of importance, but were ordered simply to hear what was proposed, and report. That is to say, they were commissioned *ad audiendum et referendum*. The old Federal Referendum, then, meant merely the right of members of the Confederation to reserve questions for their own determination. In spite of its dilatoriness and clumsiness, this system was maintained until it was overthrown by the French when they overran Switzerland in 1800. Three years later it was restored, and lasted, with some modification, down to 1854, when it was replaced by the modern Referendum.

The latter institution is based upon the abstract theory of popular rights formulated by Rousseau, who had a strong aversion to representative government. Rousseau declared that, in order to realize true liberty, the laws ought to be enacted directly by the people themselves, although he himself saw no method by which this could be done in a state too large to permit of a mass-meeting of all the citizens. As a matter of fact, the principle of the modern Referendum was invented and applied in the United States, and also in France, before it was tried in Switzerland. With one exception, which had only ephemeral consequences, no Federal constitutional question was brought before the Swiss people until 1848. Even the Cantons did not begin to submit their Cantonal Constitutions to popular vote before 1830, and the habit did not become universal until the Federal Constitution of 1848 made it obligatory.

Mr. Lowell, in his "Governments and Parties," points out that the credit for the Referendum on ordinary laws (as distinguished from the Referendum on constitutional amendments) belongs to

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the Swiss, for, if we except a sporadic use of the institution here and there, it has never existed in any other country. Why, then, did this form of the Referendum arise in the Swiss Cantons? Probably because, up to the end of the eighteenth century, most of them had no experience of *representative* government. Except for the Grisons and the Valais, with their peculiar Federal structure, the Cantons either made their laws by means of Landsgemeinde (mass-meetings of all adult male citizens), and hence had no need of legislative chambers; or else country districts were ruled by a neighboring dominant city, and the city itself by a few patrician families. In those days, too, the Confederation itself was so loosely organized that its Diet was not a true legislative body, but rather, like the Bundesrath of the present German Empire, a congress of ambassadors. Being thus ignorant of representative institutions, the Swiss did not assimilate them easily, and, when they accepted them in the nineteenth century, knew not how to provide the necessary checks and balances which are forthcoming in the Federal and State Governments of the United States. No sooner, therefore, did the representative bodies established in most of the Cantons become, or seem to become, out of sympathy with the majority of the people, than a demand for some kind of reversion to direct popular legislation began, and, when granted, acted like oil upon troubled waters. The Referendum, by putting an end to doubts about the real opinion of the majority upon disputed questions, removed at once a means of agitation and a source of discontent.

Direct popular voting upon Cantonal *laws* (as distinguished from constitutional amendments) made its first appearance, under the name of "veto," in the Canton of St. Gall in 1831. The essential difference between the veto and the modern Referendum consists in the fact that, in the case of the latter, the fate of a law is determined by the majority of the votes cast, whereas in the case of the veto a law was deemed rejected only when a majority of all the voters registered voted in the negative.

The veto was adopted by Rural Basle in 1832, by the Valais in 1839 and by Lucerne in 1841. In 1842 the Great Council of Zurich refused to introduce it, but it was adopted by Thurgau in 1849 and by Schaffhausen in 1852. These were the last Cantons to take up the so-called veto, which is pronounced by Mr. Lowell a clumsy device, ill-adapted to ascertain the real opinion

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of the people. Subsequently, it began to be replaced by a more perfect instrument, the modern Referendum, which in Switzerland is of two kinds, one called the "facultative" or "optional," where a law passed by the Cantonal Great Council must be submitted to popular vote if a certain number of the Canton's citizens petition for it; the other is termed the "obligatory," because it requires *all* Cantonal laws to be submitted, whether or no any petition to that end has been presented. The obligatory form of the Referendum is plainly the most purely democratic, and in Switzerland it is considered preferable also on practical grounds, because it avoids the agitation required for the collection of signatures to a petition.

The first form of the modern Referendum to be adopted in Switzerland was the obligatory. The incident took place in the Canton of Valais in 1844; twelve years later a general optional Referendum was adopted in Soleure, and two years afterward Neuchâtel established an obligatory Referendum for large appropriations of money, a move which was imitated by Vaud in 1861. The example of these Cantons was presently followed by others, until now all of them, except the strongly Catholic and reactionary Freiburg, possess a Referendum of some kind for ordinary laws, about half having the obligatory and about half the optional form. In all Cantons the Referendum is compulsory for changes in a Cantonal Constitution.

II.

By the Constitution of 1848, revised in 1874, the Confederation also made the Referendum obligatory for all constitutional amendments, and in the year last named it adopted the Referendum in the optional form, providing that, on the demand of 30,000 citizens, or eight Cantons, all Federal laws and resolutions having a general application should be submitted to popular vote for ratification, unless the Federal Assembly should declare the matter too urgent to admit of such delay. As the Constitution nowhere defines a law or a resolution of "general application," the power of definition is left to the Federal Assembly, and its use of that power has given rise to some complaint. We should mention that in order to give time for presenting a petition for a Referendum the laws to which it is pronounced applicable do not go into effect until ninety days after they have been

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passed by the Federal Assembly. The application of the optional Referendum to Federal laws has been used freely by the people: During the twenty-one years following its introduction in 1874 the requisite number of voters petitioned for the Referendum in the case of 20 out of 182 laws, to which it was held applicable; that is, to one law out of nine. Of these twenty, the people rejected fourteen and ratified six. It is further to be noted that, during the same period, ten constitutional amendments were proposed by the Assembly, and had to be submitted to popular vote. Of these, four were rejected and six accepted.

Now let us look at the *kind* of Federal laws which, in pursuance of the optional Referendum, have been submitted to the Swiss people. We may thus get an inkling of Mr. Bryan's purpose in demanding an introduction of the Swiss institution in the United States. The Federal Referendum was first applied in 1875 in the case of a law defining the conditions, such as bankruptcy and pauperism, under which a citizen could be deprived of the right to vote—conditions that previously had been determined by the Cantons, and therefore varied in different parts of the country. This act was rejected by a slight majority. On the same day a vote was taken on another law establishing uniform rules of marriage and divorce, and regulating the keeping of registries of births, deaths, etc. In spite of the repugnance of the clause relating to divorce, not only to Catholics but also to conservative Protestants, the law was ratified by a small majority because the provisions about registry were necessary. We observe, next, that in 1877 a Federal law regulating labor in factories was ratified by a small majority. During the five years succeeding 1877, the only Federal law the submission of which to the people was demanded was the act granting a subsidy to the railroad over the St. Gothard, which was ratified. In 1882, on the other hand, a Federal law to prevent epidemics, which contained a clause making vaccination compulsory, was rejected by a vote of nearly four to one. In the same year the Assembly passed a law appointing a Secretary of Education for the purpose of examining the schools, on the ground that the Cantons had not obeyed the Federal Constitution, which declares that all public schools must be such that children of all creeds can attend without offence to their feelings. The Catholics and Orthodox Protestants forthwith raised a cry that the Radical majority of the

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Assembly intended to take religion away from the schools. A submission of the Federal law to the people was demanded by the requisite number of voters, and the measure was voted down. In 1884 the optional Referendum was invoked for the purpose of rejecting a Federal law providing for the transfer of criminal cases from the Cantonal Courts to the Federal tribunal, when the impartiality of the former should be doubtful.

If we turn to the amendments of the Federal Constitution, in the case of which the Referendum is not optional but compulsory, we find that an amendment giving to the Confederation a monopoly of the manufacture and sale of alcoholic liquor was accepted by a large majority in 1885, as subsequently also was a law for carrying it into effect. A constitutional amendment concerning patents was ratified in 1887. In 1890 a constitutional amendment authorizing the passage of a Federal law for the compulsory insurance of workmen was ratified by an enormous majority. In 1891 an amendment of the Federal Constitution, giving the Federal Government power to establish a national bank, with the exclusive right to issue notes, was sanctioned by the people. Still another amendment authorizing the enactment of a protective tariff for the purpose of exerting pressure on France was ratified. In the same year, on the other hand, a constitutional amendment empowering the Confederation to purchase the stock of the Central Railroad Company was opposed by men who disliked the idea of a great increase in the number of Federal officials, or who disapproved of state ownership of railroads. The measure was rejected by an overwhelming majority. In 1894 the people voted against a constitutional amendment designed to give the Confederation power to legislate on labor organization, because it was so broad as to authorize a law compelling workmen to join the trade-unions. It was the opponents of socialistic principles who defeated the measure at the ballot-box. On the ground of opposition to further centralization, a majority was recorded against a constitutional amendment conferring on the Confederation a monopoly of the manufacture of friction matches. Rejected also was an amendment designed to place the Federal army more completely under the control of the Federal Government. The diminution of Cantonal authority which this measure involved was repugnant to all but a few of the largest German-speaking Cantons.

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III.

The working of the obligatory Referendum may also be studied to advantage in the case of the Cantons, where it is always applied in the case of amendments of the Cantonal Constitution. The small size of the vote cast on such occasions has been the subject of criticism. It is alleged that the result of the ballot does not fairly represent popular opinion, because, in most cases, the opponents of a measure go to the polls in larger proportion than its supporters, so that the men who stay at home should really be regarded as favorable to the proposed amendment. There seems to be no doubt that, in the Cantonal Referendum, the citizens stay at home a great deal more than could be wished. In the Canton of Berne, only about forty-three per cent. of the voters cast their ballot at the Referendum, although sixty-three per cent. of them vote at elections. The proportion of citizens who vote at the Referendum varies, however, very much, according to the character of the measure in question: thus, between 1869 and 1878, it ran in Berne all the way from 81.6 per cent. down to 20.2 per cent.

Even at Federal Referenda, which excite a greater interest, because an amendment either of the Federal Constitution or of a Federal law is concerned, the average proportion of the voters in the Confederation who go to the polls is less than sixty per cent., and, if a majority of the qualified voters, instead of a majority of the votes *cast,* were required for ratification, no law would ever have been ratified. The deduction drawn by Mr. Lowell from these figures is that under no form of government can the people as a whole really rule; for the figures show that, with the most democratic system ever devised, laws are in fact made only by that portion of the community which takes a genuine interest in public affairs. Another objection to the Referendum is that the people have not sufficient means of forming a serious opinion on the measures referred to them. It is true that in Switzerland a printed copy of the law to be voted upon is sent to every citizen some time before the vote takes place; but the value of a law cannot be learned from a mere perusal of the text, and no effective method has been devised in Switzerland of giving the people adequate enlightenment concerning the object and bearing of the measures laid before them. In the case of Federal laws, the function of exposition is left entirely to

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the press and to party platforms. In two of the Cantons an effort has been made to bring about serious discussion by providing that, when citizens meet at the polls, a debate shall take place before the voting begins. It is noticed, however, that, when the presiding officer asks if any one wishes to speak, no one ever responds. In other words, you can bring a horse to the water, but you can't make him drink. If, however, the question at issue is one of general policy, the people may have, and often do have, very decided and rational views about it—a fact which suggests the expediency of confining the Referendum to matters on which ordinary men can readily form opinions, and not extending it to subjects with which experts alone are conversant. No such distinction, however, has been made in Switzerland.

Still another objection to the Referendum is that it lowers the sense of responsibility on the part of the representatives in the Legislature. One would naturally expect a representative to feel less responsibility when his action, instead of being final, is sure to be reviewed by his constituents, as is the case where the Referendum is compulsory. An eminent jurist in Berne once told Mr. Lowell that the members of the Cantonal Legislature would vote for a measure of which they disapproved, relying upon the people to reject it, and that he had known men to vote for a law in the Great Council and work against it at the polls. There seems to be no doubt that Swiss Legislatures have occasionally voted for a measure merely to get it out of the way, hoping that the people would refuse to sanction it. M. Droz, a high Swiss authority, says that the Referendum weakens the character of the legislators.

There is abundant evidence that the opinions, both of scholars and statesmen, concerning the value of the Referendum differ widely in Switzerland. Some men extol it as the most perfect institution in theory and practice ever devised; while others decry the principle, on the ground that the people are consulted about matters they cannot understand, and that, consequently, the actual working of the system has been bad. M. Droz, who served almost a score of years on the Federal Council, had at first a strong admiration for the Referendum, but, after long experience of its working, he became impressed with its defects, and with the abuses of which it is susceptible. He complains that it furnishes a basis for demagogy, and encourages the growth of professional politicians, whose ideas are systematically nega-

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tive, and who are continually trying to instil into others their own spirit of discontent. On the whole, nevertheless, he concludes that the Federal Referendum, not only in the compulsory form applicable to constitutional amendments, but also in the optional form applicable to Federal laws, has done more good than harm. Mr. Lowell, who himself has made an exhaustive study of the subject, concurs in this opinion. He concedes, of course, that, like all human institutions, the Referendum is imperfect; but, in the existing condition of the Swiss representative system, it has supplied, he thinks, a real want, and, so far as it has helped to soften the asperities of politics, it has done a valuable service. There is no doubt that Switzerland is one of the most orderly and best-governed of countries, and to this result, which certainly it has not tended to prevent, the Referendum may fairly be supposed to have contributed.

IV.

So much for the Swiss Referendum, which, of course, has a purely negative effect, merely enabling the people of Switzerland to reject measures passed by their representatives in the Federal or Cantonal Legislatures. The Swiss have felt, however, that the Legislatures, Federal or Cantonal, ought not to have the exclusive right to originate legislation, and that democracy is not complete unless the people also have a right to enact laws directly. The so-called Initiative is intended to supply this deficiency. As we have said, the germ of the Initiative is presented in the fifth article of our Federal Constitution, which provides an alternative method of securing a constitutional amendment. The Swiss Initiative is a device by which a certain number of citizens can propose a constitutional amendment or a law, and require a popular vote upon it in spite of the refusal of the Legislature to adopt their views. The Initiative was first adopted by the Canton of Vaud in 1845, but now all the Cantons except one possess it for revision of the Cantonal Constitution; and all but three for ordinary Cantonal laws.

In the Federal Constitution of 1874, as in that of 1848, the Initiative existed only for constitutional matters. The clause relating to the subject declared that, on the demand of any 50,000 voters, the question whether the Constitution ought to be revised should be submitted by the Federal Government to the people,

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and that, if the vote should be affirmative, the two Federal Councils should be reelected for the purpose of preparing the revision. The Federal Assembly decided that the provision applied only to the revision of the Constitution as a whole, but in 1891 a constitutional amendment was adopted, which extended the Initiative to particular amendments of the Federal Constitution.

In the Confederation, then, the Initiative does not apply to ordinary laws, but fifty thousand voters can propose an amendment of the Constitution, either in general terms, or in a complete and final form. When the proposal is couched in general terms the Federal Assembly proceeds at once to draw up the amendment if it approves thereof; if not, the question must first be submitted to the people whether such an amendment shall be made, and, in case the popular vote is affirmative, the duty of putting the amendment into shape is entrusted to the existing Assembly, although that body has already shown itself opposed to the measure. The petitioners, however, are not obliged to rely on the fairness of the Assembly in carrying out their intention, but are at liberty to present their amendment drawn up in final shape, and require that it shall be submitted directly to the people and the Cantons for adoption. In such a case the Assembly, on its part, is at liberty to advise the rejection of the measure, or can submit to popular vote at the time a distinct alternative.

Recourse to the Initiative has been but seldom made in the Confederation; and even in the Cantons, where it has long existed, and is applicable even to ordinary laws, it has not been found effective. The net result, for instance, of the Initiative during twenty-four years in the great democratic Canton of Zurich was the enactment of only three laws to which the Legislature was opposed, and every one of the three was of doubtful value.

That form of the Federal Initiative which provides that, if a constitutional amendment is presented in a complete and final form by a specified number of petitioners, it must be forthwith submitted to the people, is advocated in Switzerland by believers in direct popular legislation, on the ground that it embodies the most complete realization of their idea. Under it the Federal Chambers play no part except to advise the acceptance or rejection of an amendment as a whole. For that very reason the form of the completed draft is disliked by men who believe in representative government, and who hold that every constitutional

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amendment, before being enacted, ought to be carefully prepared by responsible bodies and publicly debated. M. Droz is one of those Swiss statesmen who regard the new Federal Initiative in the form of the completed draft with great anxiety, and he points out that, whereas a democracy ought to rest on a secure constitutional foundation, the new Initiative puts the Constitution in question at every moment. Mr. Lowell, who thinks that the Referendum has, on the whole, been a benefit to Switzerland, in the sense that it has produced the tranquilizing effect for which it was established, concedes that as much cannot be said for the Initiative. He does not believe that this device will play any great part among the institutions of the future. Certainly, it has not yet developed much efficiency in Switzerland. It is applicable only to questions which the representatives of the people, themselves quite sensitive to public opinion, refuse to pass; and, when used in the form of the completed draft, it leaves no room for debate or for compromise and mutual concessions. The conception of the Initiative may be bold, but those who have observed the institution longest and studied it most carefully pronounce it unlikely to be of any great use to mankind.

M. W. HAZELTINE.

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NEW BOOKS REVIEWED.

BY FREDERIC TABER COOPER, OLIVIA HOWARD DUNBAR AND LOUISE COLLIER WILLCOX.

"THE AMERICAN SCENE."*

THERE are certain volumes in which the personal equation so frankly and agreeably obtrudes itself that they ought in fairness to be reviewed, not as separate and complete productions, but as links in the chain of an author's self-revelations, significant factors in the rounded sum of a lifetime's accomplishment. "The American Scene," by Henry James, is essentially and peculiarly a book of this class, the more intimate charm of which must elude those readers who choose to regard it as an isolated volume of travel, and who fail to recognize the continuity of thought and mood which binds it with his novel, "The Ambassadors," and his "Life of William Wetmore Story," into a kind of strangely assorted trilogy. Indeed, one may venture to hazard the opinion that, when the time comes to draw up a final balance-sheet of the life achievement of Mr. James, these three works will prove to be that portion of his writings which his future biographer can least afford to neglect; because they reveal, from three several standpoints, the chief preoccupation of the author's mind, the dominant motive of his migrations and his habits, the recurrent burden of his literary product.

Mr. James has long been accredited with the invention of the International Episode. Yet "invention" is scarcely the correct word; since, before he had reduced it to a formula for fiction, he himself was, from deliberate choice, living and breathing the International Episode, studying, analyzing, vivisecting it in the experiences of himself and of others, allowing it gradually to

* "The American Scene." By Henry James. New York: Harper & Brothers.

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dominate him like a strangely stimulating obsession, full of infinite and tantalizing suggestion. It was "Europe," to borrow his own words,

> "that had, in very ancient days, held out to the yearning young American some likelihood of impressions more numerous and varied and of a higher intensity than those he might gather on the native scene; and it was doubtless in conformity with some such desire more finely and more frequently to vibrate that he had originally begun to consult the European oracle."

Such is Mr. James's characteristic way of explaining the impulse which led him to make his domicile "in the very precincts, as it were, of the temple"; and, through all the years which followed, the study of the racial, social and æsthetic relation of the American world to the European, seems never, for him, to have lost its original zest. The subtle note of the cosmopolitan spirit, in its finer sense, is what binds together his most divergent works, with the unmistakable tie of kinship. Viewed from this standpoint, his biography of the artist Story ceases to be merely the life of an individual. It becomes the solution of a problem which many a man with the inborn artistic temperament has had to confront; it is a luminous and fascinating interpretation of what Europe may mean to the expatriated American, the American who has strongly taken his life into his own hands, and chosen to live it out in the environment for which his nature has best fitted him. In one novel after another, from "Daisy Miller" onward, sometimes as the *Leitmotiv,* sometimes as mere side-issues, we find, in all its possible variations of form and degree, the insistent, recurrent, dominating question of what Europe "connotes" for the compatriots of Mr. James. And notably in "The Ambassadors," which one is tempted to single out as the author's supreme achievement in fiction, we have a picture drawn with infinite understanding and sympathy, of the type that forms the antithesis to the artist Story, the man of weaker nature, the "frustrated American" who has not had the courage to choose his own environment, and who realizes, when he has crossed the threshold of middle age, the golden opportunity that he sacrificed to heredity and convention. One conjectures that, in the character of Strether, Mr. James sees himself as he might now have been had he too crushed down the adventurous spirit

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and consented to a lifetime in "Woolett" along the line of least resistance. And, lastly, comes "The American Scene," as a logical, inevitable sequel, a final summing up, for himself and for the world, of what America "connotes" for the "restored absentee." It is this connection of thought and mood which leads one to group these three widely divergent volumes into a strangely assorted, and yet intimately related, trilogy of Expatriation.

The first point, then, to insist upon is that "The American Scene" is from first to last intensely subjective. Yet this is no more than to say that, in writing impressions of travel, Mr. James follows the same method that he does in fiction, seeing the outside world strictly through the medium of some one temperament. For instance, in "What Maisie Knew," the field of vision is limited, in a manner which compels wonder, to the narrow segment of life that comes within Maisie's personal knowledge. Whenever the other characters pass beyond her ken, they disappear as completely from the reader's sight as the germs that wriggle from beneath the lens of a microscope. In "The Ambassadors," through all that amazing intricacy of human hopes and desires, all that we are allowed to know is what Strether himself knows—what he sees, what he thinks, what he is told that other people think. There are countless questions we long to solve, doors we would like to open, corners we would like to turn; but Mr. James will not permit it; he forces us to see life through the eyes of the none too alert Strether.

In "The American Scene" the method is the same, excepting that the temperament through which we behold places and people is that of the author himself. Moreover, it is a keenly self-conscious temperament, tremendously interested with its own sensations, and with finger constantly on pulse, to detect and record every momentary quickening. On every page one reads between the lines a tingling curiosity on the author's part to discover whether, among the emotions awakened by his "repatriation," there is a lurking regret, a single fleeting wave of nostalgia for the home of his early years. Without a full recognition of what the volume stands for in a personal way, its prime significance as an interpretation of a people will be largely missed. It is not enough to accept it as a minute and unflinching analysis by a trained psychologist, an acute observer of life and of places. More than that, it is written by one who long ago weighed America

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in the balance and found it, for his own personal needs and desires, quite definitely wanting as an abiding-place, and who now, returning after long years, finds that his choice was wisely made. There have never been written subtler, keener, more luminous studies of the cities of America—but we see them through the medium of a temperament which, if not antagonistic, is at least aloof. To appreciate their marvellous delicacy of intuition, their sanity, their inherent justice, one must share in no small measure the broad, contentedly cosmopolitan spirit of the author himself. His Boston and his New York are never quite those of the complacent Bostonian and New-Yorker, any more than they are those of the critical foreigner. His observations, whether of censure or approval, are always those of the "restored absentee," and equally removed from the exaggerations of patriotic pride and the depreciation of foreign jealousy.

A great deal of complacent folly has been written about the obscurity of Henry James's style. Granted that his tricks of speech, his curious little verbal twists, have grown to be mannerisms so pronounced as to seem at times to be little less than deliberate affectation; yet these alone would never make a single page of Mr. James obscure. It is the thought behind the words which is often difficult to grasp. Indeed, thought is too definite a word to apply to those elusive mental states that he so often tries to interpret. Mr. James is seldom content to analyze thoughts, and never less so than in "The American Scene." He is continually reaching back to those obscurer, more complex phases of transition, vague, instinctive impressions, the forerunners of conscious thought. Many readers are apt to find the later chapters of this volume especially admirable, the chapters on the Southern cities of Baltimore, Richmond, Charleston, where, because they are practically an unexplored territory, his impressions are fresh, clear, definite. Far more difficult and more profound are his inimitable chapters on New York, where every new impression blends with old memories, until every page suggests a palimpsest, with the vague, time-obliterated records revealing themselves beneath the freshly written script. It is New York which makes the most potent appeal to old associations; it is New York which, at the same time, most violently antagonizes him with its typically American note of the power of money and the pervading sense of instability and transition; it is New York which convinces

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him that "to make so much money that you won't, that you don't, 'mind,' don't mind anything, is absolutely the American formula," and that "your making no money—or so little that it passes for none—and being thereby distinctly reduced to minding, amounts to your being reduced to the knowledge that America is no place for you." In other words, it is New York, more than any other American city, that confirms Mr. James in the inherent wisdom of his own life, and enables him to return to the precincts of the temple, more than ever "contentedly cosmopolite." There is but one way in which to read "The American Scene": refuse to let it antagonize you, remember constantly that it is the utterance of a "restored absentee"; and, with every page, you will come more and more under the charm of his descriptions and the subtlety of his judgments.

FREDERIC TABER COOPER.

"MADAME DE TREYMES."*

NOT all readers of "The House of Mirth" were able, in following the first chapter or two of that popularly successful novel, to draw that long breath of satisfaction which an admirable writer's choice of a congenial theme elicits. It is on just this point, the choice of theme, that the opening pages of "Madame de Treymes" are reassuring. Mrs. Wharton's pleasant sentence or two about Paris, which she has chosen to present "in that moist spring bloom between showers, when the horse-chestnuts dome themselves in unreal green against a gauzy sky, and the very dust of the pavement seems the fragrance of lilac made visible"; the comment on Mme. de Malrive's acceptance of a silence which she might once have "packed with a random fluency; now she was content to let it widen slowly between them, like the spacious prospect opening at their feet"—such phrases as these suggest the drama of agreeable backgrounds, of sophisticated characters, of problems never squalidly affecting the material conditions of life, in which Mrs. Wharton has undoubtedly, so far, been most brilliantly successful. It is important to insist that the three protagonists of this story, Mme. de Treymes, Mme. de Malrive, even John Durham himself, somewhat indefinite symbol though he be, belong to a certain caste from which any

* "Madame de Treymes." By Edith Wharton. New York: Charles Scribner's Sons.

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judgment must exclude, for instance, Lily Bart; inasmuch as no other writer demands as much of her own characters, is as exigent in regard to their breeding, social experience, intellectual and artistic sophistication, or is as merciless in cases where they fail to live up to their accomplished creator. There can be no doubt that Mrs. Wharton never more effectually proves her artistic discernment than in choosing, as in the present story, characters who satisfactorily fulfil her own perhaps excessive requirements and who therefore do not retard the fluent exercise of her imaginative energy.

Though it would scarcely occur to the reader, accustomed either to more sentimental or more impassioned fiction, to classify it as such, "Madame de Treymes" is, by implication at least, a love-story—a romance, or, to put it less floridly, an incipient tenderness, defeated by the sinister strength of the French social order and written to illustrate the contrast between that order and, if we may be said to have any, our own. Those sterling American qualities which we usually count upon as sufficient to gain an individual end at the expense of any established system have, in this ingeniously constructed situation, no opportunity; and John Durham, the mature American lover, is obliged to relinquish his suit for the hand of that other, beautifully Europeanized, American, the unfortunate Marquise de Malrive, whom he first knew in her girlhood in New York. Even though Mrs. Wharton, in this case miserly of phrases, has made little effort to illuminate Durham to our interested vision, we are able to accept him as a superior, perhaps even too flawless type. Madame de Malrive, the victim of a disastrous marriage, the author has been at greater pains to present. The woman whose radiance is the more alluring for being subdued, who attracts partly by giving the "sense of unprobed depths of initiation," is made subtly and admirably intelligible. But if Mrs. Wharton was niggardly of her forces in picturing Durham, who is, perhaps, a hero of convenience only, she has squandered them at great advantage in her portrait of Christiane de Treymes, who is made the exponent of what we may take to be the least lovely qualities of the French aristocracy while securely preserving a strikingly definite charm. This formidably potent lady, who impressed Durham as "nibbling at the hard English consonants like nuts," had "a small brown glancing face, like that of a

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charming little inquisitive animal"; her "dark, meagre presence" moved "like a thin flame in a wide quiver of light." It is a rare and delicate art that gives a woman the rôle of a calculating villain—or so, at least, a romantic audience would regard her—and yet contrives to make her an appealing figure. Even Durham, whom Mme. de Treymes has tricked, lied to, deprived of his great desire, is able at the end to regard her merely as the unfortunate vehicle of tradition, of ancestral will, and to leave her with the exclamation, "You poor, good woman!" Mrs. Wharton has rarely achieved a character carrying such conviction of essential, no less than superficial, truth. To produce an effect, as in this case, of an abundantly communicated personality by means of an art so largely characterized by eliminations and reserves is a triumphant bit of wizardry.

There may be an emotional relief in passing from the bloodless cruelties and irremediable sufferings of the Faubourg to the light discomfitures of those incidental figures, the Elmer Boykins; yet one almost shudders for fear of what Mrs. Wharton may ruthlessly disclose about these vulnerable beings. It is quite possible to say about Mrs. Boykin, as was often said of Lily Bart, that one has known her, hundreds of her. But the fact is often overlooked that this is, after all, not the most flattering criticism, implying, as it does, that a writer has taken a familiar type and exaggerated it. The character that is conceived with perfect truth seems always so uniquely real that the suggestion of an existing duplicate is intolerable. It may be that the compassionate reader will find the scene between the Boykins and John Durham somewhat too brilliantly derisive, little as one would wish to forego some of its delicious phrases; as he may likewise feel perversely grateful that the unity of the story forbids more than a casual reference to the groups of "earnest" women who spend their summers in Maine boarding-houses. Such material as this, in Mrs. Wharton's hands, would acquire an undreamed-of ghastliness.

It is as true that the theme of this story is one few novelists could handle as that it is one of sufficient dramatic fertility to furnish forth many novels. Therefore the fact that Mr. Henry James, years ago, made it the subject of his wonderful novel, "The American," is no reason at all why Mrs. Wharton, of whose apostleship to Mr. James sufficient has been said, should

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not have made it the motive of her magazine story — which "Madame de Treymes" originally was. Still less is there any occasion for comparing the two performances, comparatively close as their lines of treatment are. Mrs. Wharton's merit is never that of a bold and dashing originality of idea, and the value of "Madame de Treymes" can perhaps rather less than its author's other stories be based upon that ground.

Although Mrs. Wharton's work may lack certain of the qualities that in this country we are most fond of celebrating, it is her freedom, on the other hand, from the most usual and glaring faults of American fiction, that makes even the briefest of her *tours de force* a legitimate subject for serious consideration. The precision of her technique—there seems almost a visible physical progress from scene to scene of this well-ordered little drama—the sensitiveness and significance of her observation, her feeling for the harmonious sentence and the suggestive phrase — the qualities, in short, which have won for her applause from the beginning—must always stamp her work as superior to that of many writers of wider sympathy and more spontaneous talent. And it is, perhaps, particularly when considered in relation to average magazine fiction, that "Madame de Treymes" stands out as a conspicuous event.

OLIVIA HOWARD DUNBAR.

MR. BLISS PERRY'S "WALT WHITMAN."*

THE most judicious comment in Mr. Perry's book on Walt Whitman is the last: "No American poet now seems more sure to be read, by the fit persons, after one hundred or five hundred years." The force of the comment is somewhat weakened by the very grudging tone of the book as a whole and by a direct contradiction five pages earlier, where Mr. Perry says, speaking of Keats's "Ode to Autumn": "Why is it that this poem—relatively empty of ethical significance as it is—is sure to live, while we can only say of Whitman's poetry that some of it *ought* to live?"

Biography is often an ungrateful task. At best, it means that a smaller mind is attempting to estimate a greater one. The chief endowment of the biographer, then, must be a power of self-effacement, modesty and courage for reverence. There are,

* "Walt Whitman." By Bliss Perry. Boston and New York: Houghton, Mifflin & Co.

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too, certain great men in the world who serve excellently as touchstones; the men who deal with these give the measure, however unconsciously, of themselves. To prefer Keats to Shelley is to reveal the entire temperamental bias. To prefer Whittier to Swinburne and Browning is to proclaim that one's culture is derived direct from the American public schools.

Walt Whitman has been very adequately handled by John Addington Symonds, John Burroughs and Edward Carpenter, and all the material has been carefully reviewed by Henry Bryan Binns again in his recent, full biography. Mr. Perry's book does not altogether infringe upon these, because, as we lay it down, we do so not so much with any new view of Whitman, or any enthusiasm to reperuse his ever-living work, as with a very adequate picture of Mr. Perry, a very complete idea of his life, his views, his conventions, his habits, his environment, his staying capacity. The subject is a very grandiose one, and undoubtedly, toward the end of the book, the biographer was a little cross and tired, and wanted to say as many disagreeable things as he could. In this behalf he tells an anecdote of Whitman's being "incidentally" invited to deliver the commencement poem at Dartmouth College in 1872, as a sort of joke to plague the faculty. This gossip is said to derive from Professor Charles F. Richardson, of Dartmouth. It reflects no particular credit either upon the person who told it or upon him who repeated it; it has no bearing whatever upon the quality of Whitman's life-work, and is just the sort of small besmirching for which we blame idle and vacant-minded old women when they spice their tea with tattle. It seems a pity to have added that sort of undignified matter to such a book.

Mr. Perry also tells us that Whitman was loose and careless about money matters in various ways, and accepted subscriptions from poor fellow craftsmen when he had ample means to provide for himself. Whitman's closest friend, in the later years of his life and his literary executor, Horace Traubel, resents this statement and demands Mr. Perry's authorities, which Mr. Perry refuses to give; so that, until the matter is more definitely cleared up, the public must simply stand at suspended judgment.

Again, Mr. Perry blames Whitman for not taking into his confidence all his young friends and admirers as to the actual events of his early life. Whitman has told us only, that for the

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benefit and protection of others, he kept certain details of his early life secret. It is usually considered the code to keep a secret when that secret protects another. But, apart from that, it is never the great, self-dependent, well-poised, powerful nature that yearns to impart the little events of life. It is the sewing-woman and charman who tell their private affairs. All great men keep their own counsel and use their oil to make their flame burn brighter. It is the flame that belongs to the world, the result of experience, not the steps nor the stumblings.

Poor John Addington Symonds, and even Robert Louis Stevenson, blithe and brave of spirit that he was, are branded as "nervous invalids." To be sure, both these men died of a slow consumption; but all men must die of something, and it would be difficult to hear the call in the midst of greater industry, more indomitable energy and higher courage than distinguished these two fine writers when it came to them.

On the whole, Mr. Perry's book is an exceedingly uncomfortable one to read. The virtues of an editor and a college professor are too widely different from those of a great original genius to admit of mutual comprehension. One feels like the little girl who, hearing her father make a verbal slip in reciting the psalms, sighed and said: "Never mind; it is not *your* sad business to know the psalms." It is not Mr. Perry's sad business to recognize force and original genius.

So vital a difference in product means too vital a difference in temperament and taste to span. Mr. Perry thinks that if Walt Whitman had not been a mystic he would have been a better writer, and would have lived more effectively, overlooking the fact that the greatest mystics are the most practical and enterprising of mankind—witness St. Augustine, St. Theresa, St. John of the Cross. The wider the background the more accurate is the sense for proportionate values. If Mr. Bliss Perry, for example, had been a mystic, he would not have undertaken a life of Whitman. Whitman was practical enough to hew out his own path, to live free and untrammelled, with plenty of leisure, and in full communion with himself; whereas the average mortal must live and await promotion at his neighbor's dictate, and few there be who to the measure of Walt Whitman can pass on, possessing their own souls.

LOUISE COLLIER WILLCOX.

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WORLD-POLITICS.

LONDON.

LONDON, *April, 1907.*

No monthly commentator on English affairs can be in much doubt as to what subject at the present moment should claim his preeminent attention. There are, indeed, various matters of the first consequence now under discussion in this country. There is, for instance, Mr. Haldane's Army scheme, the most luminous and concentrated effort that has been made in our time, not only to provide England with the army she needs, but to enlist the interest and sympathies of the average Englishman in its creation and support. There is Mr. Asquith's Budget, an essay in constructive finance which so largely accords with what I may call Rooseveltian principles that a word or two on it may interest Americans. For the year 1906-7 the Chancellor of the Exchequer found himself in possession of a realized surplus of some $27,000,000. All realized surpluses go automatically to the redemption of the National Debt. For the current year, 1907-8, Mr. Asquith estimated a surplus of slightly over $20,000,000. This surplus he proposes to dispose of (1) by remitting a quarter of the income tax in cases where the earned income—Mr. Asquith is the first Chancellor to attempt to differentiate between earned and unearned incomes—does not exceed $10,000 a year; and (2) by increasing the death duties so that, in future, estates of over $750,000 and under $1,250,000 will pay 7 per cent. duty, estates over $1,250,000 and under $2,500,000 will pay 8 per cent., estates between $2,500,000 and $3,750,000 will pay 9 per cent., and estates between $3,750,000 and $5,000,000 will pay 10 per cent., while estates between $5,000,000 and $7,500,000 will pay 10 per cent. on the first $5,000,000 and 11 per cent. on the remainder; estates of $10,000,000 will pay 10 per cent. on the first $5,000,000 and 12

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per cent. on the second; and estates of over $15,000,000 will pay 15 per cent. on everything over the first $5,000,000. So far, I imagine, Mr. Roosevelt would be in hearty agreement with Mr. Asquith. He would also applaud as a matter of sound finance the Chancellor's determination to set aside $7,500,000 for the redemption of the Debt. But I doubt very much whether he would approve the proposal to dedicate the sum of $12,250,000 to a nucleus fund for old-age pensions, especially as the recipients of the fund are not, as in Germany they are, to be made to contribute to it in any form. This is a blot, a moral and social as well as a financial blot, on a Budget which otherwise is a careful and businesslike venture in national bookkeeping.

Besides Mr. Haldane's Army scheme and Mr. Asquith's Budget there are all the problems of high Imperial administration and policy suggested by Lord Cromer's resignation. I cannot stay to dwell on these except to indicate the opinion that England is nearing a moral crisis not only in Egypt, but in India, and, indeed, wherever she is in contact with alien and dependent races. The crisis consists, roughly speaking, in the fact that the work of Imperial creation has reached a point where it must now proceed side by side with the infinitely more arduous and delicate work of Imperial assimilation. By her magnificent success in all the material ends of government, Great Britain is everywhere implanting among the natives she rules a desire to share in and to direct that government themselves; and the question of how she is to meet that desire, without a loss of administrative efficiency and control, is one of the master-issues of Imperial politics. It is in Egypt, I imagine, that the problem will first take on an aspect of more than local seriousness, and Sir Eldon Gorst, who succeeds Lord Cromer, will need all the balance and all the mental accessibility which his friends know him to possess, if he is to further and not hinder its solution.

Then, again, among the subjects that are engaging the thoughts of the English people, a foremost place should be given to King Edward's tour from France to Spain and from Spain to Italy, and to the ill-natured and almost virulent criticisms that have been passed upon it by the German press. Walter Bagehot used to declare that the constitutional rights of the English sovereign were three in number—the right to be consulted, the right to encourage, and the right to warn; and he shrewdly added that a

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king of great sense and sagacity would need no others. King Edward has availed himself of these rights, just as Queen Victoria did, with admirable judgment and effect. Nothing can be falser than to suppose that the occupant of the British throne plays in public affairs a part that is merely passive and ornamental. He is entitled to full knowledge and full discussion of all public transactions. He cannot overrule the Cabinet's decisions, but he may criticise, and so alter or modify, them. He may suggest amendments, raise doubts, propose alternatives, and thus help to clarify the ministerial mind. And in all such consultations it should not be forgotten that the King has some special advantages. He is permanent and his Ministers are fugitive; he is an onlooker, and they are the combatants; he can take a calm and leisurely survey, while they are blinded by a thousand bewildering details. King Edward has allowed none of his prerogatives to rust from disuse. He has even on more than one occasion pushed them so far as to provoke murmurs from the stricter Constitutionalists. The abandonment of coercion in Ireland, the appointment of Sir Antony MacDonnell, and the pushing on of that great measure of appeasement which will be known through all Irish history as the Wyndham Act, were directly the result of the King's insistence; and his influence has been not less an inspiration and a support to Mr. Haldane in his task of military reform.

But it is, I think, in foreign affairs that the King has made himself felt with the greatest effect. To the three constitutional rights enumerated by Walter Bagehot, King Edward has added a fourth—that of acting as the representative, but unofficial, Ambassador of his people to the nations of Europe. Here, again, an English King has some peculiar advantages. As a constitutional but not an autocratic ruler he can speak for England while committing her to nothing; and this condition of privileged liberty, with its endless opportunities for the play of personality, is precisely the condition that King Edward knows how to make the most and best of. An excellent judge of men and affairs, learning and assimilating with extraordinary quickness, devoid of prejudices except a certain wholesome prejudice against waverers and fools, a past master at staving off friction and bringing men together and putting them at their ease, at home everywhere, always discreet, pacific and full of *bonhomie* and enjoyment, and

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with what is scarcely less than a genius for knowing both what to do and say and what not to do and say, and for holding his tongue when it is all over—King Edward is perhaps better fitted than any living statesman for the function of moderator and healer. The country has watched his latest pilgrimage of peace with a growing recognition of the manifold services the King has rendered to British prestige. Compare England's position to-day with what it was in 1901, when Queen Victoria died, and you will at once become aware of a change that is little less than a revolution. In each stage of that transformation King Edward has played a part, often the leading part. If England and France have ceased to scowl at one another from Egypt to Siam, and are now on terms of unique friendliness and confidence; if English relations with Austria-Hungary and Portugal have been recemented and strengthened; if Anglo-Italian good-will has now resumed its old traditional closeness; and if Spain has both forgotten and forgiven the outpouring of British sympathy with America during the war of 1898—the credit of these successes belongs preeminently to King Edward. And in her present mood Great Britain does not relish these successes any the less because they seem to disturb the equanimity of Germany. The fact is significant. It may even be taken as an indication of a quarter where the King's mellow and reconciling diplomacy may find further scope for its activities. But whether it is possible yet a while to arrange, or rather to rearrange, Anglo-German relations on a basis of rationality is to my mind extremely doubtful. I am more inclined to think that King Edward will rather turn his thoughts towards helping on the solution of the questions that still remain outstanding between Great Britain and Russia. The common sense of England does not understand a friendship with France that leaves the ally of France out in the cold; diplomatic negotiations with Russia are always more readily conducted with the Tsar in person than with the Foreign Office, because the Tsar alone can speak for Russia; and it is quite on the cards that King Edward may yet duplicate in St. Petersburg the inspiring triumphs he has already won in Paris, Vienna, Rome, Lisbon and Madrid. For the present, I merely wish to register the fact that his two months' tour in the Mediterranean has brought fully home to Englishmen a national consciousness of the rare diplomatic qualities that unite in their sovereign.

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Another subject which is engaging the public mind, and will engage it still more in the future, is that of land reform, both urban and rural. The Liberals, backed up, as I believe, by the overwhelming approval of the nation, have entered simultaneously upon two great crusades, the one, a comparatively simple one, against the land speculator in the towns, the other against feudalism in the country. And it is upon this issue—for the two crusades, while conducted separately, form parts of a single programme—that the struggle with the House of Lords will ultimately be joined. Neither the education question, nor Temperance, nor Irish Devolution will furnish the Government with the popular momentum that can only enable them to assault the great stronghold of legislative privilege with any chance of success. But all reformers of whatever kind are at one in their attitude towards the problem of the land; and all people, in town and country, though they may not always be conscious of it, are directly or indirectly affected by it. Round the land, too, gather a vast array of national questions. Just as in America it seems impossible to approach the problem of the Trusts by any route that does not sooner or later bring you face to face with the problem of transportation, so in England any serious inquirer into the question of the unemployed, or of housing, or of physical degeneration, finds himself before long confronted by the question of the land; and, if the reforms contemplated by the Liberals are rejected or mutilated by the Lords, I fancy we shall see such an outpouring of indignation as will sweep something more than the ancient land-tenure system of this country away with it.

In the towns, the problem is to secure to the community a larger share of the wealth which its growth and industry have created. The Liberals propose to solve it by a Valuation Bill that will ascertain the value of land apart from buildings or improvements, and enable local authorities to tax it or purchase it on that value. In this way, the towns will for the first time have some control over their own development, the rating system will be remodelled, the housing question will be simplified and industry will be released from an essentially vicious and anti-social handicap. In the country districts, where society is ordered along lines of equal pleasantness and injustice, where the number of laborers has decreased by thirty per cent. in the last twenty years, where an aristocracy of birth or wealth cultivates all the

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amenities of sport and a landless peasantry steadily drifts into the towns, where gamekeepers are the only class on the increase, and where magnificent estates spread their smooth lawns and coverts to the very doors of villages that are three-quarter slums, the Liberals are resolved to vest both local and national authorities with compulsory powers for the purchase of land, so that for the future a small holding may never be beyond the reach of any Englishman able and willing to cultivate it. If by these means an independent peasant proprietary can be established, leasing their holdings from the state, and if the Government bring to their assistance the indispensable equipment of cooperative societies and local land banks, and if, at the same time, the housing question in the villages is grappled with, not only will the whole structure and spirit of English rural life be revolutionized, but English agriculture will be penetrated with a new hope and a new activity. In a fine figure, in which there is equal truth and imagination, Sir Henry Campbell-Bannerman has been described as "leading Englishmen to the invasion of England."

In addition to these questions, there is one that is never for long allowed to remain in the background. I refer, of course, to Ireland. By the time this letter appears in print, Mr. Birrell will probably have introduced his Devolution Bill. Little beyond a purely speculative interest is taken in it because everybody assumes that it will be rejected without ceremony by the House of Lords. But there is a minor Irish question which has considerably interested people over here, and which may perhaps serve to explain to those Americans who concern themselves with Irish problems, why it is that opinion, both in England and in Ireland, is being steadily alienated from the Irish Nationalists. The name and work of Sir Horace Plunkett are, I take it, as well known to Americans as to Englishmen. His services to his native country have been incalculable. It was he who, amid inconceivable difficulties, introduced into Ireland the principles and practice of agricultural cooperation, that great movement which promises to raise Ireland to the competitive level of Denmark, and the moral results of which have been of even greater benefit than the material. It was he, again, who brought together representative Irishmen of all classes, parties and creeds in a non-political effort to formulate a constructive programme of industrial and agricultural betterment. Out of that effort sprang the Irish Department

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of Agriculture and Technical Instruction, a popularly governed Department—the only one of its kind in Ireland or, for that matter, in the British Isles—working through councils and local committees on which two-thirds at least of the members are elected, and bringing for the first time expert assistance and advice to the peasant proprietor. Sir Horace Plunkett devised that Department, suggested the form its constitution should take, launched it, and from its inception, seven years ago, until to-day has directed it with an enthusiasm, an ability and a complete contempt for "politics" that are quite without precedent in the history of Irish administration. And now the Irish Nationalists have banded together to oust him from office, and it is not yet certain that they may not succeed in doing so. Their ostensible objection to his retention in the post of Vice-President of the Department is that he has not a seat in Parliament and is not a Liberal. Their real objections are that he has refused to job his patronage, that he has built up a non-political following throughout the country which the Nationalist "machine" is desperately anxious to capture, and that the Department under his advice—which it was entirely free to disregard—has subsidized the cooperative movement, a movement to which the gombeen men and publicans, to whom nine out of every ten of the Nationalist M. P.'s owe their seats, are hostile. Nothing could better show the pitiful pass to which the Irish Nationalists are reduced than that, for reasons so sordid as these, they should be endeavoring to drive from office the only Irishman of his generation who has done something enduring for the economic development of his country.

But, as I began by saying, all these subjects, attractive and momentous as they are, must yield in popular interest and in Imperial consequence to one other. That other is, of course, the Colonial Conference. Already—I write in the last week of April—it has proved itself by the resolutions it has adopted a business-like and a statesmanlike body. Already it has achieved results that must profoundly affect the structure and the evolution of the Empire. But I propose to reserve till my next letter, when they can be reviewed as a whole, the full consideration of the problems it has faced and of the solutions it has found for them.

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THE EDITOR'S DIARY.

WEDNESDAY, *May* 8. **The War on the Constitution.**

MR. WILLIAM V. ROWE, in his article on "National Tendencies and the Constitution," seeks to establish two propositions. He holds, in the first place, that the Federal Government, which we have imagined our own to be, was not really established by the Constitution, but that a national, or centralized, republic was in fact established, although, he must confess, with some obscurity of phrase; in the second place, that the National Government, with the assent of the people, is actually now engaged in ousting the States from the sovereign powers which heretofore have been widely, often judicially, recognized as belonging to them, and that this is right and essential in order that the Federal Government shall exercise supreme and exclusive control over all but strictly local interests, upon all business, including commerce, for example, that in any way, directly or indirectly, may be, or may enter into, commerce "with foreign nations, and among the several States." In a word, the logical outcome of his contention would be the recognition of the National Government as an all-pervasive and exclusive sovereign, exercising paternal control over all political or social subjects which do, or may, interest the whole country or the people of more than one State.

This may seem like an exaggerated statement of Mr. Rowe's position, but it is, after all, merely the formulation of the conclusion to which his essential contentions lead. It may be that Mr. Rowe, and his associate antagonists to the rights of the States—those rights that have heretofore been recognized as such by both schools of constitutional interpretation—will not care, at least now, to discuss the question which they have raised in its

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ultimate terms, but those who believe that the Federal principle is essential to the maintenance of the American republic—large as it is and varied as are its interests—and who are impressed with the value, material as well as moral, of the freedom of the individual, artificial as well as natural, must insist upon carrying on the debate, the subject swelling, as it now is, into one of chief importance, with the necessary effect of the conclusion upon our constitutional government constantly in view.

Mr. Rowe not only advocates a change in the character of the United States Government, but he insists that the people have already made that change. It is one of the well-marked beliefs of the modern anti-constitutional school that the Constitution is not only obsolete or outgrown, but is not binding, and, especially, that the provisions of the amending clause need not be followed. Mr. Roosevelt, speaking through Mr. Root, would amend by judicial constructions; Senator Beveridge would amend by legislation; while Mr. Rowe would have both courts and lawmakers consult the sentiments of the people. That those who hold such an attitude on this subject are unwilling frankly to debate the inevitable consequence, and the moral character, of their contention is shown, perhaps unconsciously, by Mr. Rowe. Speaking of the attitude of the people generally, he warns those who differ from him that "discussion" would be "useless," while he impliedly threatens his opponents in saying that it will be "prejudicial." The single point of which Mr. Rowe is here speaking is that the people, acting on his constitutional theory, have determined that economic activities shall be governed by the exercise of their political power. That opposition to the policies of the administration has been prejudicial to some we know; and perhaps it is not to be wondered at that punitive practice has so stirred the imaginations of some associates and defenders of the President as to lead them to warn off all who have the hardihood to put themselves in the way of the progress towards an absolute paternalism.

Mr. Rowe accepts the current assertion that the people of the United States are the victims of the depredations of wealth and property, and he warns us of the harm that we may do ourselves if we deny and discuss the further proposition that the people will, in consequence of these depredations, take the control of all wealth and property into their own hands and manage it

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through the agency of the National Government. With some indistinctness, or subtlety, whichever may be the term that Mr. Rowe prefers, he argues, as he is forced to do, that Congress may do anything it may please to do under the "general-welfare" clause. This is an argument which has been employed a good deal during the history of constitutional discussion, but by no one who has not been seeking an end not granted or denied by the Constitution. It was not, however, the doctrine of Hamilton or Marshall or Jefferson or Madison. Hamilton and Marshall argued strongly and well in support of the doctrine that a large discretion has been bestowed upon Congress in exercising or authorizing implied powers for the effective execution of expressed powers; but both insisted that there could be no implied power not "necessary and proper" to make effective an expressed power. Madison said of the assertion of the universality of the "general-welfare" clause that "No stronger proof could be given of the distress under which these writers labor for objections than their stooping to such a misconstruction." Jefferson contended that the assertion that the "general-welfare" proposition gave complete legislative power to Congress over all subjects would, if sustained, "render all preceding and subsequent enumerations of power completely useless.'" In fact, it is an axiom that, if upon the National Government was bestowed the power to do all that it may conceive to be for the "general welfare" of the country, then no further constitutional provisions were needed, while some of those which were adopted were, when not the fruit of folly, contradictory of the universal, exclusive and absolute power granted by the general phrase.

When Madison wrote his opinion of the men who contended for the wide meaning of the "general-welfare" power, he was engaged, in company with Hamilton, in the endeavor to secure the adoption of the Constitution by the people, primarily by the people of the State of New York. Both men were of the opinion that their Constitution would be rejected if the popular belief was that the Constitution gave to Congress the large power to do anything which, in its discretion, it determined to be for the "general welfare." Now we have a new school of constitutional interpretation, the members of which are insisting, contrary to the belief of the framers of the Constitution, that the power was in fact granted, although we have contemporaneous evidence of

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the universal conviction that, if it had been expressly and frankly bestowed by the document upon the National Government, the Constitution would not have been adopted. There is no other interpretation to be put upon Mr. Rowe's contention than that he holds that all particular grants, perhaps prohibitions, shall give way before the "general-welfare" power. He is convinced that the time has come when all restraints upon the Federal Government must yield to its own discretion, and that this discretion must also be recognized as dominant over the powers which were reserved by the States and the people to themselves. Indeed, it is Mr. Rowe's conviction that the people have already assented to the setting aside by the Federal Government of constitutional restraints, "and are, now, constantly promoting the assumption by the central authority — the National Government — . . . of a great part . . . of the real police powers and functions of government."

Undoubtedly, the aggressiveness of those who have for their purpose the annulment of constitutional restraints has succeeded, for the moment, in putting to sleep the constitutional consciousness and instincts of a large body of the people. It has succeeded in inflaming the imaginations of men at the expense of their judgments. There are some, possibly, who are so hypnotized that they will agree with Mr. Rowe that the States have no rights but merely powers; that, therefore, a power is not a right; that this power is really that of the people, who may take it away from the States, as if they could not also take away the powers granted to the United States. It is possible, too, that some people will be persuaded to accept the theory that the Constitution has actually been amended because some other people, moved by the aggressive preaching and conduct of the anti-constitutionalists, have shown a disposition to amend it. There is precedent in English history showing that constitutional changes may be effected, momentarily, by deliberate violation of the laws. The English Parliament not only acquiesced in the loans forced from subjects by Henry VIII, but enacted a law forgiving him his debts thus lawlessly contracted. It not only acquiesced in the enforcement of his proclamations as if they were statutes of the realm, but it passed an act giving to such proclamations the force of law. In Elizabeth's reign, and for a time under the Stuarts, the constitutional rights of Parliament and the people were further

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invaded, and, as Hallam says, there was asserted "a paramount supremacy, called sometimes the King's absolute or sovereign power, which sanctioned commands beyond the legal prerogative, for the sake of public safety." The exceeding popularity of Henry VIII and of Elizabeth was used by them to take from the English people rights and powers for which the nation had contended, against the Crown, for nearly five hundred years. But when the popular Tudors were followed by the Stuarts the people regained their political consciousness and instincts. For all the arbitrary and hateful acts of James and of Charles I, there were precedents in the reigns of Henry and Elizabeth, but in the time of the Stuarts men went willingly to jail for resisting royal acts which they had authorized in the days of the Tudors, and the nation at last beheaded Charles because of arbitrary conduct for the like of which they had applauded the great predecessors of his family. In the end the powers which had been usurped by the King were taken back by the nation. The right to exercise them and other and larger powers was assumed and fortified by the establishment of responsible government. The King himself became the servant of the people, who, by the agency of their own representatives, indicated the man whom they desired to be the real head of the executive machinery of the Government. It will not do to assume that the momentary disposition of the people, especially when they are under the spell of one whose brain and exciting activities absorb their interest, indicates a fixed desire to change the nature of their Government, a willingness permanently to surrender rights and powers the history of which is the history of a struggle against excessive government, a struggle as old and continuous as the Teutonic occupation of England.

Mr. Rowe's reason for desiring to read into the Constitution a larger national power over subjects that have heretofore been left to the States is that these subjects and their problems affect "most seriously the 'general welfare' and 'domestic tranquillity' of the whole people," and "cannot be dealt with satisfactorily by the several States, but must be cared for by the nation itself, which was constituted for the express purpose of dealing with subjects of that nature." Mr. Rowe exaggerates and distorts the purpose of the creation of the nation in order that the necessities of his argument may be met. He desires to put political power over economic law; to give to government a paternal power over busi-

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ness and social relations, and to confine political control of this kind to the National Government. Such control has always been the foster-mother of evils greater than those which Mr. Rowe enumerates, as now injurious to our free life. In this country, national control of the great industries would involve the grant of power over the complicated needs of the products in manufacturing and commercial States to those familiar with the simple needs of agricultural and pastoral States alone. Moreover, complete national control over the commerce among the States and its instruments is already given by the Constitution and is enforceable by the United States. The courts may lay down the uniform rule which Mr. Rowe desires; and laws which, according to the decision of the United States Supreme Court, permit the National Government to prohibit the transportation of immoral lottery tickets by express companies, need no further strengthening or enlargement by new legislation. But if it be wise to give to government paternal control of business it is also wise in each instance to make the political family circle as small as possible. A canton of Switzerland would be a less terrifying parent than the whole republic would be, and a State would cherish where the United States would inconsiderately destroy. The end proposed is bad even if the Constitution permitted it to be pursued. To distort the Constitution in order to gain it would be to compass folly by indirection.

THURSDAY, *May 9.* **The Approaching Esperanto Congress.**

THOSE of us who are interested in the success of Esperanto cannot but rejoice in the glowing reports published from month to month by the Committee of Three in "The British Esperantist." The committee was entrusted with the task of arranging all the details of the approaching Esperanto Congress, to be held from August 12th to 17th, at Cambridge, England.

"On Sunday, August 11th," says the committee in a recent number of the "Esperantist," "the Esperanto Divine Services will be held. The Rev. J. Cyprian Rust, chairman of the Ecclesiastical Committee, has already prepared an able translation from the English Book of Common Prayer, which we shall shortly publish, together with a selection of hymns suitable for well-known tunes."

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The committee also announces that "a great exhibition of British sports will take place on Thursday afternoon, August 15th, and also the ringing of the chimes will be heard from the celebrated bells of Great St. Mary's Church."

The mere fact that the Esperanto Congress, which will have hundreds of representatives from every part of the globe, will be held on British soil is of tremendous importance to the idea. For no international project, if it is to be universal, can succeed without the support of the English-speaking peoples, and the English-speaking peoples are so constituted that they cannot take things on trust or by hearsay. They must see with their own eyes thousands of men and women, gathered from all over the world, to do battle for one great idea; hundreds of aliens worshipping in an English church, indeed, but in a common tongue. The coupling of British sports with the idea of Esperanto shows no less insight on the part of the committee. Bring Esperanto into the intimate life of the British public, and the idea is bound to take hold in Great Britain as it has in France. We hope, too, that many Americans will find it possible to attend the Congress, and convince themselves of the excellence and practicality of the idea of an international tongue.

FRIDAY, *May 10.* **Faith and Intellect.**

IT has usually been the method of religion to disparage the use of the mind; and, certainly, in matters of religion, the intellect does not carry one very far. In the end, in religion as in friendship, and in general human relations and conduct of life, the function of the intellect is to examine and to judge, and that of the heart to carry on, in faith and with courage, the work thus begun.

Doubtless, any attempt to fathom the scheme of the universe, to cope, intellectually, with its vast, unsearchable issues, must result in failure, and usually disastrous failure; and yet, that whatever creative Providence rules over us demands from us the active use of the intellect is quite evident, for we suffer the consequences of our mistakes as well as of our sins. Let a man build him a life on an erroneous theory, and every attempt to move forward will lead him to disaster as surely as if he were deliberately pursuing a career of crime. To accept on faith, and without questioning, any dogmatic scheme of ethics or theory of creation

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will invariably lead into a morass. The intellectual act must both follow and precede the emotional. Desire incites thought, and thought demands faith in activity; demands a definite trust that the universe, however stubborn it may seem, is yet plastic to the will, to effort. Life is, at every step, a problem; and to apply intellect to the problem is literally the making of man and the extinction of the tiger and the ape. There is reward, too, in hard thinking, just as there is reward in exercise. There is pleasure in feeling the mental fibres grow stronger; there is in mental effort an open door out of ourselves into larger worlds; and to escape out of ourselves is to escape the suffering of limitation.

So any religion which discourages the application of intellect to the problems of life and death makes a mistake. To make out what we can of the meaning of life, and then to act upon such knowledge as we have, whether for success or for failure, is the essence of a true religious life. It is of religion to accept failure as educative, and success, however great, as partial, and to pitch our faith in a future higher than any attainment now possible.

SATURDAY, *May 11.* **Servants.**

THIS is doubtless to women the most engrossing theme upon earth; and perhaps the greater part of its charm lies in the fact that, where servants have not disappeared altogether, they are fast disappearing.

A generation ago there began to be signs of a radical change in the conditions of domestic service, and the changes have progressed rapidly since then. When men learned to declare themselves free and equal, whatever the differences of inheritance, ability, position, education, when a nation took as its motto "*Liberté, fraternité, égalité*" the death-blow was struck at domestic service. The insistence upon the badges of service—livery, buttons, caps—helped to add to the prejudice against it.

As things stand to-day, it is patent that household industry, as Mrs. Gilman says, "in that tenth of our homes not served by the housewife, is in the hands of ignorant and inferior young women, *under conditions of constant change.*" Ignorant and inferior, because, with the slightest education and ability, young women can find lighter work and higher wages as typewriters, secretaries, dressmakers, sewing-women; and, despite the fact

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that household labor is comparatively light and unexacting, the average young woman of mean abilities prefers factory work, offering as it does sociability and a less precise overseer than housework. Moreover, the house-servant is always temporary. She looks forward to a change of scene and of methods, when not to marriage and a house of her own as complete release from serving a stranger's household gods. In the small household of medium means, not more than two or three servants are kept, and the duties of these require that they be in different parts of the house. Thus the first defect of household labor, as carried on in a small city house, is that it is dull. An educated person of mental resource prefers solitary labor, a certain amount of loneliness, but children and servants need constant companionship for their development. The loneliness of household labor is therefore one disadvantage; the very lightness of the work, combined with the long hours during which domestics must be ready to serve if necessary, is a disadvantage. England, we hear, has set up a "Servants' League," a combination whereby servants have set a standard of wages, and a definite amount of service and limit of hours for the wages received. Probably there will be soon a Housewife's League to consider sensibly and carefully the demands of the servants and, above all, how to lend household labor the charm and the dignity which will make it seem a desirable occupation, and how to adjust the tastes and demands of refined ideals of living to the coarse and unskilled laborer's ideals of necessity.

MONDAY, *May 13*. **The Weather.**

THE weather is a matter for which we are not half grateful enough. Its advantages and graces and charms are so unobtrusive that we are only half-way conscious of them. First, it is probably the one thing that can be uninterruptedly complained of without retaliating. Secondly, its infinite variety never grows stale; it can never be truly forecast, and the element of unexpectedness is always there to keep us from growing weary and unobservant.

But these are the lighter excellencies of weather. It has graver and more enduring charms. It has inspired, it is fair to say, a large proportion of the world's lyric poetry; rain and the wind, the sky with all its shifting scenery, the "obscure clouds moulded of the casual air," the birth and death of seasons, the lightning

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flashes illumining sudden small islands of life, and all the lesser phenomena of the weather have kept the poets busy since time and poets began. When a man has his intelligence keenly set to see, there is no end to the wonderful modulations of light and shade, of color and motion, the weather will prepare for him. A great mistake, however, is to fancy that sunshine, with its genial warmth, is the only kind of beautiful weather. The spring winds capriciously spurting from all corners at once, a heavy veil of slate-gray rainfall, a howling, shrieking, destructive wind scattering everything in its mad career and sending the dust up in clouds that grow thinner and catch the light toward the upper edge, all these have their own beauty of aspect and of sound. The crisp tingling of the Northern winter and the soft, glowing, languorous heat of a Southern summer spread various beauty about the world.

"So we stumbled through the marram-grass," writes an observant essayist, "back to the spot where a shape of light shot up into the darkness from the cabin skylight of our boat. After dinner we went on to the slippery deck, where the snow and hoar-frost glittered; the clouds were gone; the moon was electric in brilliance; all the world was white and dazzling. The smooth shining mud round us was like lava; one could fancy it sweeping irresistibly past. And farther away a mud-bank reared up its back like a whale as the water stealthily fell away from its flanks. We leaned across the boom and wondered. Is it really true? Is the incredible beauty of this solitude seen by us alone?"

Yes, the weather is a great spendthrift of incredible beauty, slinging it forth lavishly on all sides, and now and then a poet sees and hears.

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